81ST CONGRESS, 2d Session | SENATE | REPORT No. 1515

THE IMMIGRATION AND NATURALIZATION SYSTEMS OF THE UNITED STATES

REPORT

OF THE

COMMITTEE ON THE JUDICIARY

PURSUANT TO

S. Res. 137

(80th Congress, 1st Session, as amended)

A RESOLUTION TO MAKE AN INVESTIGATION OF THE IMMIGRATION SYSTEM

APRIL 20 (legislative day, MARCH 29), 1950.—Ordered to be printed with illustrations

UNITED STATES
GOVERNMENT PRINTING OFFICE
66116 WASHINGTON : 1950

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81ST CONGRESS } SENATE { REPORT
2d Session } { No. 1515

THE IMMIGRATION AND NATURALIZATION SYSTEMS OF THE UNITED STATES

APRIL 20 (legislative day, MARCH 29), 1950.—Ordered to be printed with illustrations

Mr. MCCARRAN, from the Committee on the Judiciary, submitted the following

REPORT

[Pursuant to S. Res. 137]

FOREWORD

THE LAST INVESTIGATION

The last general investigation of our immigration system was made by the Congress beginning in 1907 and continuing until 1911. This investigation cost a little over $800,000 and necessitated the employment of over 200 persons. The executive and clerical force in Washington numbered 82 persons; 2 clerks were employed in New York, 2 in San Francisco; 92 agents were engaged in field work and 23 agents were employed in connection with various special lines of inquiry.

SENATE RESOLUTION 137

On July 26, 1947, the Senate passed Senate Resolution 137 which directed "the Senate Committee on the Judiciary, or any duly authorized subcommittee thereof" to make a full and complete investigation of our entire immigration system. The resolution also provided for a specific study of the situation with respect to displaced persons in Europe and all aspects of the displaced persons problem.

Pursuant to subsequent resolutions of the Senate, the authority of the Committee on the Judiciary to conduct the general immigration investigation and to make the report was continued until March 1, 1950.[1] There was authorized an aggregate expenditure of $235,000.

Pursuant to Senate Resolution 137, a special subcommittee of the Senate Committee on the Judiciary was appointed and a staff was organized.

[1] The text of S. Res. 137 of the 80th Cong., 1st sess., and its subsequent amendments appear in appendix I, p. 803.

DISPLACED-PERSONS INVESTIGATION

Before undertaking the study and investigation of the displaced-persons problem, for which priority was provided under the terms of Senate Resolution 137, the subcommittee staff began the task of assembling such background material as was readily available from Government agencies, reports, and other publications. This material consisted not only of information respecting displaced persons and our general immigration system, but also information with reference to the situation in the United States, insofar as the same should be pertinent to admission of displaced persons into the country. It was, however, deemed necessary to acquire first-hand information regarding the entire problem of immigration at the source, including the administrative processes abroad, such as the consular-office activities in processing applications for visas to enter the United States. The displaced-persons problem was considered to be of such magnitude as to render personal investigation of the various camps and centers in Europe advisable. Moreover, such a European investigation was urged by several Senators on the floor of the Senate. Accordingly, in the fall of 1947, three members of the subcommittee and four staff members made a European trip to obtain on-the-scene facts.

The subcommittee conducted investigations and took testimony in Paris, Frankfurt, Stuttgart, Berlin, Munich, Berchtesgaden, Vienna, Rome, Geneva, and London. The consular officials in Paris, Frankfurt, Stuttgart, Berlin, Munich, Vienna, and Rome were interviewed for information concerning the phases of immigration administered by them, including the special problems connected with resettlement of displaced persons. Displaced-persons camps and centers were visited and inspected, and testimony of camp officials and displaced persons was taken. Military government officials in Germany and Austria were interviewed, as were the officials of the Preparatory Commission for the International Refugee Organization at its headquarters in Geneva. A mass of documentary information was acquired.

DISPLACED PERSONS ACT

On March 2, 1948, the Senate Committee on the Judiciary filed with the Senate its report (S. Rept. No. 950) on displaced persons in Europe, together with its proposed bill (S. 2242) for the admission of displaced persons into this country.

S. 2242, with amendments, was passed by the Senate on June 2, 1948. The House of Representatives passed a substitute measure on June 11, 1948, and thereafter the bill was sent to conference. The conference report was agreed to by the House of Representatives on June 18, 1948, and by the Senate on June 19, 1948. The bill, entitled "The Displaced Persons Act of 1948," was signed by the President on June 25, 1948, and became Public Law 774 of the Eightieth Congress.

During the first session of the Eighty-first Congress, there were referred to the Senate Committee on the Judiciary numerous bills to amend the Displaced Persons Act of 1948. These bills presented several complicated and controversial issues. A special subcommittee was appointed to consider displaced-persons legislation and many hearings were held in which testimony was received on the various

issues. In addition, during the fall of 1949, the chairman of the subcommittee made a European trip to investigate the administration of the displaced-persons program and to acquire additional factual material bearing on the issues which had been presented by the proposed amendments to the Displaced Persons Act of 1948.

WORK OF STANDING SUBCOMMITTEE

It was apparent that extensive investigation with regard to the general immigration system was not feasible during the initial subcommittee work for the following reasons: (1) The priority which was given to the study and investigation of the displaced-persons problem, (2) the need to develop background material before undertaking such investigation, and (3) the unprecedented volume of immigration and naturalization work which was assigned to the standing immigration subcommittee and which required the use of the staff members of the investigating subcommittee.

GENERAL INVESTIGATIONS

Beginning July 7, 1948, pursuant to direction of the special subcommittee, extensive transcribed inquiries were held both in Washington and during the course of various field trips made by staff members. The inquiries in Washington consisted of three series which were conducted simultaneously. The first series consisted of an examination of the officials and employees of the various divisions of the Immigration and Naturalization Service. The second series consisted of an examination of the officials and employees of the Visa Division of the Department of State and other governmental agencies whose activities relate to the immigration and naturalization systems. The third series consisted of the statements of representatives of various interested nongovernmental organizations. In addition, there was acquired a great volume of reports, exhibits, and statistical data.

FIELD INVESTIGATIONS

A great deal of information was also acquired as a result of the field investigations made by the subcommittee and staff members. Field investigations were made in Europe and in the following areas in the Western Hemisphere: (1) West coast; (2) Mexican border; (3) New Orleans, La., Miami, Fla., and Habana, Cuba; (4) New York area; and (5) Canadian border (Montreal, Quebec, Windsor, and Detroit).

Staff members who investigated the west coast and Mexican border areas also made stops at intervals throughout the Middle West, where statements were taken at district offices of the Immigration and Naturalization Service. Between 300 and 400 persons, representatives of private organizations and officials of the Immigration and Naturalization Service field offices, appeared and made statements which were taken down and transcribed into a written record.

To assist the subcommittee in its coverage of the various facets of the immigration and naturalization systems, the Immigration and Naturalization Service was requested to ask all field officers to submit appraisals of and suggestions for improving our present immigration and naturalization laws and procedures. As a result, memoranda

were received by the subcommittee from more than 100 field officers of the Immigration and Naturalization Service. The appraisals and suggestions contained in these memoranda cover a broad area and contain much factual material.

The Visa Division of the Department of State was, in like manner, requested to secure from its various consular officers an appraisal of, and suggestions for, improvements in our immigration and naturalization laws and procedures. Much valuable information and well-considered suggestions have also come from this source.

OMNIBUS BILL

The pattern of our present immigration system is established not only by 2 comprehensive immigration laws which are still in effect, but by over 200 additional legislative enactments. In addition, there have been a number of treaties, Executive orders, proclamations, and a great many rules, regulations, and operations instructions. The immigration laws are, moreover, so closely intertwined with the naturalization laws that it is essential for the two sets of laws to be considered together.

The subcommittee concluded early in its study that it would be unwise and impracticable to submit the proposed changes in the form of numerous amendments to the patchwork of our present immigration and naturalization laws. It was, therefore, decided to draft one complete omnibus bill which would embody all of the immigration and naturalization laws. A summary of the proposed changes in the immigration and naturalization laws appears in appendix II, p. 805.

PART 1

THE IMMIGRATION SYSTEM

CHAPTER I

BACKGROUND

A. Races and Peoples of the World

1. INTRODUCTION

This section deals primarily with the principal races and peoples of the world today—their background, location, numbers, characteristics, and customs. Consideration will also be given to the questions of natural resources and population problems in their relationship to the various races and peoples to be discussed. A detailed study of races and peoples in the United States appears in chapter II, page 80.

2. CLASSIFICATION OF RACES

Any discussion of race is handicapped by four points of obscurity.[1] In the first place, there exists no very clear idea in the minds of many as to what constitutes race. Furthermore, the marks of differentiation which serve to set off one race from another are often vaguely presented. In the third place, there seems to be little, if any, reliable knowledge concerning the number and origin of races. And, finally, geographical location of races is not always clearly defined.

The oldest grouping of mankind, still in popular use, is that of skin color.[2] It is supposed that the various degrees in pigmentation of the human skin are due to the effects of environment, either to sunlight or to humidity, or to a combination of the two. As a general rule, the darkest skins are found in tropical regions, while the fairest occur in the temperate climate of western Europe.

Blumenbach, writing in 1775, coined the word "Caucasian," and established a fivefold classification of races: (1) Caucasian or white race, (2) Mongolian or yellow race, (3) Ethiopian or black race, (4) American Indian or red race, and (5) Malayan or brown race.[3] Blumenbach's classification is quite commonly used in studies dealing with the subject of races and peoples and will be so employed here.

3. LOCATION AND NUMBERS

Total world population as of 1949 is shown as approximately 2,265,000,000. Of this total, Asia contains nearly 1,200,000,000, Europe over 380,000,000, North America over 192,000,000, Africa over 175,000,000, South America over 101,000,000, and Oceania over 23,000,000. The totals for Asia and Europe do not include the population for the U. S. S. R., which is over 211,000,000.[4]

Maurice S. White, writing in 1942, essayed a racial division of the world's population. Using the figure of 2,000,000,000 for the total population of the world, he indicated a racial distribution as follows: White race, 1,020,000,000, yellow race, 740,000,000, black race, 160,000,000, brown race, 50,000,000, and red race, 30,000,000.[5]

[1] See Encyclopedia Americana, 1937, vol. 23, p. 107.
[2] See Encyclopedia Britannica, 14th Ed. (1929), vol. 18, p. 165.
[3] H. G. Duncan, Race and Population Problems (1929), p. 49.
[4] World Almanac, 1949, p. 544.
[5] Maurice S. White, The Races of Mankind (1942), p. 25.

Geographically, the various races may be located as follows: White race, principally in Europe, the Americas, and Australia, with substantial numbers in southern Asia and northern Africa; yellow race, chiefly in Asia; black race, largely in Africa; brown race, Malay Peninsula and Archipelago; and red race, North America and South America.

4. THE WHITE RACE

a. Location

The Continent of Europe may be considered as the center of population for the Caucasian or white race. Virtually all of Europe's people, except the Finns, Magyars, and Turks, are Caucasian. Large areas outlying and partially surrounding the Continent also contain great numbers of the white race. Over 200,000,000 of India's population are white, as are substantial numbers of the population of southwestern Asiatic countries and the countries of northern Africa bordering the Mediterranean. Across the Atlantic, are the white populations of North and South America, while in the Pacific, is the continent of Australia with its population of European white stock.

b. Divisions

The three principal divisions of the white race are the Teutonic, the Latin, and the Slavic. Other groups include the Iranic, Celtic, Hellenic, Arabic, Illyric, Lettic, Chaldaic, Caucasic, Armenic, and Euskaric. There is some degree of overlapping among the different groupings. Also, some of the minor groups are frequently included under one of the larger divisions.[6]

(1) The Teutonic group

The chief peoples embraced in the Teutonic group are the English, German, Scandinavian, Austrian, Dutch, and Flemish. These peoples are found chiefly in the countries of northwestern Europe, North America, and Australia. As a group, they tend toward fair and blond coloring.

(2) The Latin group

The Latin group embraces principally the people living in the vicinity of the Mediterranean Sea, including the French, Italians, Spanish, Portuguese, and Rumanians. The majority of the settlers of Mexico, Central America, and South America are also of the Latin group. The Greeks are sometimes included in this group, although the designation *Hellenic* is used specifically with reference to them. As a whole, the Latin group tends toward darker and brunette coloring.

(3) The Slavic group

The Slavic group is located chiefly in eastern Europe, in southeastern Europe, and in the Balkan area. The two principal elements in this group are the Russians and the Poles. The Czechs, Slovaks, Yugoslavs, and Bulgarians (in part) are other component parts of the Slavic group. As to physical characteristics, there is a wide degree of variation in this group.

(4) Other groups

The Celtic group consists mainly of the people of Ireland, Scotland, and Wales. The Arabic and Chaldaic groups consist of Semitic peoples, while the Iranic group embraces the white population of India.

[6] See H. G. Duncan, Immigration and Assimilation (1933), pp. 25 ff.

c. Language

The principal language family of the white race is the Aryan, which embraces the Indic, Slavic, Germanic, Romance, English, Iranic, Baltic, Celtic, and other tongues. Of these various languages, English has become widespread and is used quite extensively throughout the world. It is today the principal language of world communications.

d. Religion

More members of the white race adhere to the Christian religion, either to Protestantism or Catholicism, than adhere to any other religion. Substantial numbers, however, embrace other religious faiths, such as Mohammedanism, Hinduism, and Judaism.

Of those who adhere to Christianity, the majority are found in Europe, North America, and South America. North America has a predominance of Protestants, while South America is largely Catholic. Europe contains large numbers of both Catholics and Protestants, with roughly, a 4 to 1 ratio in favor of the Catholics. Australia is largely Protestant.

The major portion of the Jewish group is located in Europe, Israel, and North America. Those in North America are found principally in the United States. Smaller numbers of Jews are found in Asia and Africa.[7]

The Moslems are located chiefly in Asia and Africa, with a relatively small number in southeastern Europe, while practically all the Hindus are found in India.

5. THE YELLOW RACE

a. Location

The Mongolian or yellow race is the second most numerous of the five great races of the world, numbering approximately 750,000,000 persons. The great majority of the members of this race are to be found on the continent of Asia and on various adjacent islands, although substantial numbers are located elsewhere. China contains the bulk of the Mongolian race, while Japan, India, Indochina, Burma, and other contiguous areas contain most of the remainder.

b. Divisions

The two principal divisions of the Mongolian race are the Sinitic and the Sibiric. The Sinitic branch includes the people of China and Indochina, and contains between 500,000,000 and 600,000,000 persons.

The Sibiric branch is centered in Japan and Korea, with offshoots in such countries as Finland, Hungary, Turkey, and Bulgaria. It must be remembered, however, that, although some of the ancestors of peoples such as the Hungarian and Bulgarian were of Mongol origin, the present population has undergone drastic changes by the assimilation and merger with the natives and with successive waves of invaders and conquerors. Thus, actually, these have acquired, in general, European and Caucasian characteristics and the Mongol racial component has frequently disappeared.

Physical characteristics of the Mongolian race are the yellowish skin, slanting eyes, straight black hair, and prominent cheek bones.

c. Language

Numerous dialects and tongues are spoken by peoples of the yellow race, ranging from the monosyllabic dialects of the Sinitic branch to

[7] For detailed statistics on world Jewish population, see ch. II, p. 154.

the agglutinative speech of the Sibiric peoples. The speech of the Turks, Magyars, and Finns is more closely related to the Japanese than to the Chinese.[8]

d. Religion

A number of religious beliefs and practices are embraced by the yellow race. Among the faiths which have a wide following are Buddhism, Taoism, Mohammedanism, Confucianism, and Shintoism. More recently, through the efforts of missionaries, the Christian religion has been introduced to the Mongolian peoples and has had some degree of acceptance.

6. THE BLACK RACE

a. Location

Ranking next to the Caucasian and Mongolian races numerically is the Ethiopian or black race, which contains an estimated 160,000,000 persons. The black race is located principally within the continent of Africa, although substantial numbers are to be found in other areas, such as equatorial South America, the United States, and in the East and West Indies. Most of the basic stock of American Negroes came originally from west Africa. As of 1940, approximately 13,000,000 Negroes were living in the United States. Most of these are the descendants of Negro slaves brought to this country during the seventeenth, eighteenth, and nineteenth centuries, although there is today a small amount of Negro immigration, principally from the West Indies.

b. Tribal divisions

The Negroes of Africa are divided into numerous tribes, each of which has differentiating physical characteristics. The principal tribes are the Bantas, Pygmies, Bushmen, Hottentots, Kaffirs, Sudanese, and Zulus. The Negro has also mixed with other races and peoples, thereby creating crossed racial types.

c. Language

The various primitive tribes in Africa have developed their own individual dialects. Virtually all the Negroes in the United States speak the English language. West Indian Negroes speak a mixed dialect formed partially from the language of the European settlers of that area.

d. Religion

Most of the native African blacks practice their pagan rituals and ceremonies, which have been modified to some degree by contact with Caucasian peoples. Some Negroes have taken upon themselves the religion of peoples living in the northern sections of Africa where Mohammedanism prevails. Protestant, Catholic, and Jewish faiths also have numerous adherents, especially in those areas which have been in direct contact with European nations over a long period of time. In the United States the Negro has adopted the various religious beliefs of his white countrymen.

[8] U. S. Immigration Commission, Dictionary of Races or Peoples (1911), p. 98.

7. THE BROWN RACE

a. Location

The Malayan or brown race is, with the exception of the red race, numerically the smallest of the major races. Numbering perhaps 50,000,000 or more, it is located chiefly in the Malay Peninsula and Archipelago and in certain areas of Indochina.

b. Language

While many consider the Malayan group to be a branch of the Mongolian race, it bears numerous divergences from the latter. Much different from the yellow race culturally, the Malays are physically closer to the Mongolians than to any other of the major races. Linguistically, however, they have their own native dialects and tongues. Contacts with western nations have resulted in alterations in the original language. French and Spanish influence is especially obvious.

c. Religion

Many of the native tribes still cling to primitive rituals and ceremonies. In certain areas, Buddhism and Mohammedanism have numerous adherents and, within comparatively recent times, through missionary activities, Christianity has made headway, especially in the Philippines. The vast majority of the Filipinos are Christian, chiefly Roman Catholic.

8. THE RED RACE

a. Location

The Indian or red race is the smallest of the major races of the world. This race consists almost entirely of the native peoples of North, Central, and South America. While accurate statistics as to numbers are difficult to obtain, there are probably at least 30,000,000 members of the race, most of whom live in South and Central America. The number in the United States at the present time probably does not exceed 400,000, although the total was doubtless much greater before the coming of the European colonists and settlers. A large percentage of the Indians in the United States now lives on Government reservations.

b. Divisions

The United States Census indicates numerous divisions of the Indian population in this country, such as Algonquin, Athapaskan, Iroquois, Muskhogees, Shoshones, and Sioux. Each of these larger divisions contains numerous smaller groups or tribes. The Mayas, Incas, and Aztecs initially inhabited areas in Mexico and South America.

The languages and dialects of the various divisions are numerous, although there is some degree of similarity among the different tribal dialects within a single division.

Intermarriage between the Indian and other racial groups has produced a variety of crossed racial types, especially in Mexico and South America. Intermixture is so far advanced in South America that classification of individuals by race is difficult. Many of the tribal Indians live in the interior in isolated and inaccessible groups, so that accurate enumeration is practically impossible. Cook states that in the United States and Canada, "the red men are rapidly approaching total amalgamation with the numerically preponderant

white race," except for certain tribes artificially segregated on reservations.[9]

9. WORLD PROBLEMS OF POPULATION AND NATURAL RESOURCES [10]

a. Population growth

World population has had its most rapid rate of growth since the time of the industrial revolution. The impact of the technological changes of the industrial revolution was global in scope.[11]

Between 1650 and 1750 the rate of growth of the world's population was 0.29 percent per year. From 1750 to 1800 the annual rate increased to 0.44 percent. This progressive increase has continued throughout the entire period from 1650 to the present time. In the most recent period it has been at 0.75 percent, a rate that would double the population every 92 years.[12] Should there be a corresponding rate of increase in global population such as that rate of increase which prevailed between 1900 and 1940, the earth would contain over 21,000,000,000 inhabitants by the year 2240.

Of the two factors of population growth, fertility, and mortality, the decreasing mortality rate appears to be by far the more important factor in the unprecedented growth of modern times. In countries where industrial development and population growth have been most rapid, birth rates show a tendency to decline, especially in more recent times. In the more primitive societies, where modern civilization has penetrated but slightly, birth rates are generally high.[13]

Thompson divides the world's population into three groups: Group I, consisting of 21 percent, has natality and mortality under control; group II, comprising 21 percent, is in the process of bringing natality and mortality under control; group III, containing 58 percent, has neither natality nor mortality under "reasonably sure control." [14]

Crude birth rates tend to be especially low in the industrialized countries of northwestern and central Europe and only a little higher in the United States, Canada, Australia, and New Zealand. Considerably higher but rapidly declining rates are found in southeastern Europe, the Union of Soviet Socialist Republics, and Japan. Exceedingly high and as yet unchanging birth rates are found in the less industrialized, agrarian countries of the Orient.[15]

Thompson states that it is quite probable that southeastern Asia and China will go on increasing for some time after practically all European peoples, except in the Soviet Union and those in certain parts of Central and South America and Africa, have ceased to grow.[16]

b. Population age

The population of western civilization is aging and has been for the past 100 years. In all the major European nations and in the United

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[9] S. F. Cook, European Contact With Primitive Peoples, Annals, American Academy of Political and Social Science, January 1945, p. 110.

[10] For detailed study of problems of population and natural resources in the United States, see ch. II, p. 80.

[11] Kingsley Davis, The World Demographic Transition, Annals, American Academy of Political and Social Science, January 1945, p. 1.

[12] Ibid. p. 3.

[13] Warren S. Thompson, Population Problems (1942), pp. 151–156.

[14] Joseph J. Spengler, Population and Per Capita Income, Annals, American Academy of Political and Social Science, January 1945, p. 182.

[15] P. K. Whelpton and Clyde V. Kiser, Trends, Determinants, and Control in Human Fertility, Annals, American Academy of Political and Social Science, January 1945, p. 112.

[16] Warren S. Thompson, Population Prospects for China and Southeastern Asia, Annals, American Academy of Political and Social Science, January 1945, p. 79.

States, this situation apparently is to prevail for some time to come. If the present trend in this country continues during the next 30 years, the proportion of children under 15 will drop from 25 to 21 percent, while the percentage of men and women over 65 will rise from 7 to 10 percent. The Office of Population Research estimates that the proportion of children under 15 years old in Europe and the Soviet Union will fall from 29 percent in 1940 to 21 percent in 1970, while the percentage of adults 65 years old and over will increase from 6 to almost 10 percent.

Other areas of the world which show a trend toward an older population are the British dominions of Canada, Union of South Africa, and Australia.[17]

In Asia, Central and South America, and Africa, however, a much younger population is indicated. Inability to secure complete and accurate census data in these areas makes definite predictions difficult, but any future trend similar to the present trend in Europe and the United States will depend in part, at least, upon economic developments and social and cultural changes.

c. Population and natural resources

Up to a certain point, population growth serves to provide a larger market for goods and services, and to make possible a greater degree of division of labor and specialization. While it is impossible to state definitely what the optimum population should be for a particular country or area, it is clear that, from the standpoint of the economic well being of their inhabitants, certain nations of the world have already exceeded their optimum population. Such a situation tends to reduce per capita income and endangers future income by hastening the depletion of natural resources.

If man were able to free his productive activities from the restraints imposed by land and most natural resources, he would be free of a considerable part of the depressive effect of population growth upon per capita income and living standard.[18] Increased technology and inventiveness have, to some extent, provided a counterbalance, but nature still plays the principal role in the determining of man's economic status.

Spengler [19] suggests that per capita income can be increased by gradual redistribution of the working population of the world with regard to employment by removing a percentage of those now engaged in primary industry (agriculture) and placing them in other industries. Technological knowledge, equipment, and proper organization would provide the same agricultural output with the decreased number of persons in the industry. However, even this shift would be of little, if any, benefit unless population growth is brought under control.

It cannot be denied that the existence of an inequitable population distribution in relation to natural resources is a poignant and perplexing problem and one which will continue to engage the faculties of mankind in the future as it has in the past. Effecting a greater equalization of the distribution of the world's population in proportion to economic resources by means of migration would appear to be

[17] John D. Durand, The Trend Toward an Older Population, Annals, American Academy of Political and Social Science, January 1945, pp. 144-145.
[18] Joseph J. Spengler, Population and Per Capita Income, Annals, American Academy of Political and Social Science, January 1945, p. 191.
[19] Ibid., p. 191.

practically impossible as long as the most seriously overpopulated areas are characterized by high and generally rising rates of natural increase.[20]

Recently there has been an increasing trend toward creating new opportunities in undeveloped and underveloped areas within various nations. This policy tends to bring about the spontaneous and free movement of individuals in response to new economic opportunities and thus assists in the promoting of sound redistribution of population. Many highly overpopulated countries have vast areas available for such development and reclamation—areas which can be made to contain and support substantial increases in population.

B. International Migrations

1. INTRODUCTION

This section is principally an examination of the chief modern migratory movements—that is, international migrations of the nineteenth and twentieth centuries. Some prefatory statements are made by way of supplying a brief background for the main thesis. These include a summation of the types and causes of migration, as well as a listing of some of the early migratory periods.

2. MIGRATION DEFINED

The term "migration" is much broader in scope than are the related terms "immigration" and "emigration." Whereas the latter terms are used exclusively with reference to the movements of *people* from one geographic location to another, migration may be applied to the movement, not only of man, but also of birds, fishes, and other lower forms of animal life. Moreover, whereas migration denotes any change of abode, immigration and emigration imply the movement of human beings *from one country to another, with the end in view of a permanent change of residence.*[21]

For the purpose of this section, the term "migration" will be used in connection with *human population movements only.*

3. TYPES OF POPULATION MOVEMENTS

In his book Immigration, H. P. Fairchild [22] classifies "migration" as follows:

1. *Invasion* or the mass movement of a more primitive group or tribe into territory occupied by a more highly developed group. Examples of this type of population movement are the invasions of the Goths, Vandals, and Huns from Asia into Europe. (Donald R. Taft concludes that, whereas invasion ordinarily involves warfare, immigration, though sometimes producing friction, is peaceful.)[23]

2. *Conquest* may be considered as the opposite of invasion, that is, the movement of a more highly cultured group into the territory occupied by a more primitive type of people. After completion of the conquest, the culture of the conquering group may be imposed upon or voluntarily adopted by the conquered people.

[20] Frank Lorimer, Issues of Population Policy, Annals, American Academy of Political and Social Science, January 1945, p. 195.
[21] Maurice R. Davie, World Immigration (1936), pp. 7 ff.
[22] H. P. Fairchild, Immigration (1933), pp. 13–29.
[23] Donald R. Taft, Human Migration (1936), p. 51.

3. *Colonization*, while a peaceful movement, may follow conquest. In colonization, we usually find a movement of individuals from a well-established nation to territory under its political control. The settlement of the Thirteen American Colonies is a typical example of colonization.

4. *Immigration* is the voluntary movement of individuals, or groups of individuals, from one country to another, with the intention of residing there permanently. But, whereas colonization is ordinarily a sponsored state enterprise, immigration is the result of the decision of the individual, without official support from the state.

4. CAUSES OF MIGRATION

The causes of migration have been variously treated by different authorities. The following classification is as appropriate as any for the purpose of analysis of the problem.

a. Economic

This is undoubtedly the chief reason for the various migrations of history. When a tribe of people is economically stable, when its standard of living is adequate, then migration is of little consequence. But with economic adversity, overpopulation, and related conditions occasioned by and accompanying these situations, migration becomes a paramount issue. This is true not only with regard to international migration but to internal migration as well.

Fairchild [24] states that the countries which have sent out large contingents of emigrants or have allowed them to leave, have been those which were or seemed to be overpopulated. These groups are ordinarily received by countries of "underpopulation." While countries which are underpopulated may be able to absorb migrant groups for a period of time, the situation may at last arise wherein the economic condition of the receiving countries will not warrant further immigration or will, at least, require a greatly reduced or restricted immigration.

b. Religious

The desire to escape religious persecution or discrimination has been another factor in causing population movements. The early settlement of America was in part the result of the migration of dissenting religious groups from Europe. Various Jewish migrations have been occasioned by religious harassment.

c. Political

Dissatisfaction of individuals or groups with the prevailing political conditions may be sufficient to induce them to migrate elsewhere in the hope of securing a greater degree of political freedom, and fewer infringements by the governing body.

d. Social

Frequently there exist within a country social conditions which operate to the detriment of a particular class or group. This situation often creates such a feeling of desperation as to bring about a general desire on the part of the group or of segments of the group to migrate to a state where the social conditions are more equitable.

[24] H. P. Fairchild, International Migration, Annals, American Academy of Political and Social Science' November 1936, p. 291.

In any actual case of migration it is probable that the motives therefor will be due to a combination of causes, rather than to one single cause.

5. EARLY MIGRATIONS OF HISTORY

Ellsworth Huntington and J. C. Curry[25] list six principal periods of early migration. A prior consideration of these early wanderings of man is not essential to an intelligent appraisal of the more recent international migrations ushered in by the voyages of discovery of the fifteenth and sixteenth centuries, especially of those migrations of the post Napoleonic Wars era, but merely serves to keep the historical record in order. Chronologically, the six early periods are:

First period: Just preceding 2000 B. C.
Second period: 2000 to 1000 B. C.
Third period: 1000 to 600 B. C.
Fourth period: Just after 200 B. C.
Fifth period: 250 to 650 A. D.
Sixth period: Eleventh, twelfth, and thirteenth centuries.

These early periods of population movement were largely group or tribal movements. In this respect, they differed decidedly from modern migrations, which have been for the most part, individual or family movements. Whereas the early movements were principally overland or across land-locked seas, the modern migratory era has been characterized by trans-oceanic movements.

6. MODERN INTERNATIONAL MIGRATIONS

The voyages of discovery in the fifteenth and sixteenth centuries ushered in the so-called "modern" era of international migrations. Oceans, which heretofore had acted as barriers, now became highways of world travel. The chief source of the migratory movements of this period was the Continent of Europe. As an indication of the tremendous size and scope of migrations from Europe during this era, Willcox stated in 1931 that—

> today one-eleventh of the earth's population consists of Europeans by blood who are living outside of that Continent. There are between one and a half and two times as many such European folk living elsewhere as there were living in Europe in the seventeenth century.

He further commented that—

> of all the Europeans now living elsewhere, three-fifths are in the United States.[26]

A more recent authority remarked that approximately one-fifth of the world's population in 1650 was European, whereas, in 1948—

> if people of European descent in the New World are included, Europeans * * * are one-third of the world's population, which is almost twice as great a proportion as in 1650.[27]

The principal European nations to engage in the early voyages of exploration and discovery during the fifteenth and sixteenth centuries were the English, French, Spanish, and Portuguese. The greatest population movements have, however, been those of the Anglo-Saxons and Germans.

The new form of movement following the period of discovery may be treated in two phases: Colonization and immigration.

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[25] H. G. Duncan, Immigration and Assimilation (1933), pp. 17 ff.
[26] Walter F. Willcox, International Migrations, vol. II (1931), p. 30.
[27] National Committee on Immigration Policy, International Migration and One World (1948), p. 8.

Colonization is characterized by a *movement of population* and an *extension of political power.*[28] The colonizing nation sends its people into new lands for the purpose of settlement. The most important period of colonial expansion was during the seventeenth and eighteenth centuries. Australia, the Americas, and portions of other continents, as well as many island bodies, underwent varying degrees of transformation at the hands of the European colonists.

Immigration is the most recent of the modern migratory movements, and "is mainly intercontinental and a phenomenon of the nineteenth and twentieth centuries." [29] It has been of much greater significance, as far as numbers are concerned, than the colonization of the sixteenth, seventeenth, and eighteenth centuries.

The great migrations of 1820 to 1925 included the colonization of Australia and New Zealand, the strengthening of European dominion over South Africa, South America, and India, the settlement of western United States and Canada, the establishment of European colonies in tropical Africa, and the founding of commercial settlements in the Orient.[30]

The principal sources of intercontinental migration during this period by country have been British Isles, 33.7 percent; Italy, 18.8 percent; Austria-Hungary, 9.8 percent; Germany, 9.2 percent; Spain, 8.6 percent; Russia, 4.2 percent; Portugal, 3.4 percent; Sweden, 2.2 percent; India, 2.2 percent; and others 7.9 percent.[31]

a. European migration: Intercontinental

As has been previously mentioned, the chief source of modern migration has been the continent of Europe. As a result, the populations of three of the more recently settled continents—North America, South America, and Australia—are largely of European origin.

It is estimated that there was a total recorded European migration of some 63.5 million persons during the period 1820 to 1931, or an average of some 575,000 annually.[32] A large percentage of those migrants entered the United States. Of a total immigration to the United States of over 38.5 million persons since 1820, nearly 33 million were from European countries. Other important countries of reception of European emigrants are Canada, Argentina, Brazil, Australia, New Zealand, and South Africa.

In the first half of the nineteenth century, the greatest emigration from European countries was from the British Isles, Germany, Scandinavia, and France. During this period, European migrants were predominantly Teutonic and Protestant. Emigration from this section of Europe reached a peak about 1880, after which a general decline set in.

Following 1880, the principal emigrant countries of Europe were those of the southern and eastern sections of the Continent. Such countries as Italy, Russia, and Austria-Hungary became the chief contributors to Europe's migrant stream. The large majority of these emigrants were Latin, Slavic, and Semitic, rather than Teutonic; and Catholic, Orthodox, and Jewish, rather than Protestant. The United States continued to be the principal country of destination. A combination of causes, principally economic, was responsible for the great exodus from this part of Europe. Total immigration to the United

[28] See M. R. Davie, World Immigration (1936), pp. 3 ff.
[29] Ibid., p. 8.
[30] J. W. Gregory, Human Migration and the Future (1928), p. 18.
[31] National Committee on Immigration Policy, International Migration and One World (1948), p. 32.
[32] D. R. Taft, Human Migration (1936), p. 55

States from this area, during the period 1820 to 1930, was 13,944,454. Probably 200,000 additional from this area have entered the United States since 1930.

(1) British Isles

Some 24,000,000 people emigrated from the British Isles between 1815 and 1930, of whom about 9,000,000 came to the United States. Approximately 3,000,000 went to Canada, while Australia, New Zealand, and South Africa received substantial numbers. A listing of nationalities emigrating from the British Isles, by numerical importance, finds the Irish first, followed by the English, Scotch, and Welsh.

Various motives for this emigration may be mentioned, such as the industrial revolution, agricultural depression (in particular, the Irish potato famine), and government advocacy and encouragement of emigration. The factor of religious discontent should also not be overlooked.

(2) Germany

Between 1820 and 1930, approximately 90 percent of all overseas migration from Germany was destined to the United States. A total of nearly 6,000,000 persons migrated from Germany to the United States during this period, while Canada, Brazil, Argentina, Australia, and Africa received small percentages of German emigrants. The factors chiefly responsible for German emigration are quite similar in nature to those mentioned above with respect to the British Isles—economic, political, social, and religious. In fact, these motives, either singly or in combination, may usually be found to underlie emigration from all of the various countries to be examined.

(3) Scandinavia

Of the Scandinavian countries, Sweden supplied over 50 percent of the total of some 2,500,000 emigrants from this area during the period 1820 to 1930. Approximately one-third of the total number of Scandinavian emigrants came from Norway, while Denmark supplied less than one-sixth of the total. It is estimated that—

> almost 98 percent of the Swedish emigrants, about 96 percent of the Norwegians, and 88 percent of the Danes have had the United States as their destination.[33]

Canada has been the second choice of emigrants from these countries.

(4) France

Emigration from France is not nor has it generally been regarded as an economic necessity. In fact, in comparatively recent times, France became an immigrant receiving country rather than an emigrant country. Fairly stable economic conditions plus a very low birth rate have been largely responsible for this fact. Of the somewhat more than a million total French emigrants during the period from 1820 to 1930, the majority (582,375) came to the United States.[34] Argentina, Brazil, Canada, Australia, Uruguay, Cuba, and Mexico have received lesser numbers of French migrants.

(5) Switzerland, Netherlands, and Belgium

Emigration from these three countries has been relatively slight. A combined total of slightly more than 700,000 emigrants of Swiss, Dutch, and Belgian origin have come to the United States since 1820,

[33] M. R. Davie, World Immigration (1936), p. 73.
[34] Ibid., pp. 75–76.

with decidedly smaller numbers going to Canada, South America, Australia, and Africa.

(6) Italy

European migration following 1880 shifted to southern and eastern Europe.

The principal emigrant country from this area was Italy. Between 1820 and 1930 some 4.75 million Italians emigrated to the United States, while substantial numbers went to Argentina, Brazil, and other countries. Recent restrictive immigration policies by the United States have caused increasing numbers of Italian emigrants to look toward South America as a place of location and settlement.

(7) Austria-Hungary

Emigration from Austria-Hungary illustrates vividly the heterogeneity of the population of this former dual monarchy.[35] Of the more than 4,000,000 persons admitted to the United States from this area since 1820, the following ethnic groups comprise component parts: German-Austrians, Czechoslovaks, Poles, Magyars, Ukrainians, Yugoslavs, Rumanians, and Jews. Smaller numbers of these nationality groups have also emigrated to Canada, Argentina, and Brazil.

(8) Russia

Russian migration, like that of Austria-Hungary, must take into account numerous nationality groups which have been subject to Russian control. A significant fact about Russian emigration is that it has been chiefly non-Russian. Among the more important of these emigrant groups are the Jews, Poles, Russians, Lithuanians, Finns, and Germans. The estimated percentage of each group is as follows: Jews, 44 percent; Poles, 25 percent; and between 6 and 9 percent each for the Russians, Lithuanians, Finns, and Germans.[36] These percentages are practically equivalent to the estimates on Russian immigration into the United States and Canada from 1908 to 1913.[37] While accurate figures on Russian migration have been difficult to obtain, the following data may be considered as the most nearly correct and acceptable.[38]

Russian emigration, 1891–1910

To United States	1,774,000
To Canada	97,000
To Argentina	68,000
To Brazil	21,000
To South Africa	10,000
To Australia	3,000

Over 90 percent of those migrating to American countries settled in the United States. Statistics indicate a total Russian immigration to the United States since 1820 of approximately 3,345,000.

It should be mentioned that there has been a great degree of restriction, and even of prohibition, of emigration from Russia during the past several decades. The Czars objected to emigration because they wanted the surplus people to settle in Siberia.[39] The desire to recruit men for military service was another reason for the adoption of this type of emigration policy. The U. S. S. R. has continued to maintain this point of view with respect to emigration from Russia.

[35] M. R. Davie, World Immigration (1936), p. 116.
[36] Ibid. p. 135.
[37] Walter F. Willcox, International Migrations, vol. II (1931), p. 530.
[38] Ibid., p. 527.
[39] J. W. Gregory, Human Migration and the Future (1928), p. 56.

(9) Balkan migration (including Turkey)

The principal country of this section of Europe, from the standpoint of migration, is Greece. Since 1820 nearly 450,000 persons have come into the United States from this source, while goodly numbers of Greeks have come in from other countries, such as Italy, Turkey, and Yugoslavia. Small numbers of Greeks have also gone to Canada, Australia, and Brazil.

Bulgaria and Albania have been sources of some Greek immigration but not nearly to the extent that Greece has been. The combined total of immigrants from Bulgaria and Albania to the United States since 1820 is fewer than 75,000, with the vast majority of these being from Bulgaria. A small number of Bulgarians have gone to other countries, chiefly to Canada, Brazil, and Cuba.

Turkish migration has consisted more of other ethnic groups resident in Turkey than it has of the Turks themselves. Among these nationality groups, the Armenians, Syrians, Greeks, and Jews are of greatest significance from an immigration standpoint. While the vast majority of these immigrants has gone to the United States, small percentages have also gone to other areas.

(10) Spain and Portugal

Unlike groups previously considered, Spanish immigrants have gone chiefly to Argentina. Brazil ranks second as a point of destination, followed by the United States. Approximately 2,000,000 Spaniards were admitted as immigrants to Argentina from 1857 to 1926. Brazil admitted 574,000 from 1820 to 1930, while the United States, during the same period, admitted 166,865.[40]

The chief point of destination for Portuguese immigrants has been Brazil, over 1¼ million Portuguese having been admitted between 1820 and 1930. During the same period the United States admitted 252,715.[41]

b. European migration: Intracontinental

In addition to European migration to the New World and to other areas outside the Continent, there has been a certain degree of population movement between the countries of Europe themselves. France, in particular, has been a point of destination for large numbers of persons from other European countries, such as Italy, Poland, Belgium, Spain, Russia, and Czechoslovakia.[42]

Russia has also received, from time to time, varying numbers of immigrants from such countries as Germany, Austria, Rumania, Greece, and Bulgaria.

The migrant inflow to Russia between 1828 and 1915 was practically equivalent to the outflow for the same period (inflow, 4,200,000; outflow, 4,500,000).[43]

An internal population movement within Russia itself has also been of significance. Duncan[44] remarks that—

> the greatest volunteer population movement in all history occurred in Russia in 1908, when in the first 10 months of that year approximately 720,000 people left European Russia for Siberia.

[40] M. R. Davie, World Immigration (1936), p. 177.
[41] Ibid. p. 178.
[42] Ibid., p. 77.
[43] Walter F. Willcox, International Migrations, vol. II (1931), pp. 576–577.
[44] H. G. Duncan, Immigration and Assimilation (1933), pp. 275–276.

Walter F. Willcox[45] states that between the opening of the nineteenth century and the beginning of World War I over 6,000,000 migrants from European Russia settled in Asiatic Russia.

c. Jewish migration

While detailed statistics are not available, it is estimated that at least 500,000 Jews entered the United States before 1899. Between 1899 and 1924, over 1,800,000 came into the United States, 1,500,000 of whom entered between 1899 and 1914. This was over one-tenth of the total immigration into the United States during this period. They were exceeded in numbers only by the Italians.[46]

Immigration of Jews to this country has also been more permanent than has that of other groups. The repatriation rate for Jews is one-half that of the Irish and Scotch, one-third that of the Germans, and one-fourth that of the English or Scandinavians.[47]

Chief sources of Jewish migrants to the United States (1899–1924) have been Russia and Poland, Austria-Hungary, Rumania, United Kingdom, Turkey, Germany, and Canada. At least three-fourths of the Jewish immigrants during this period came from Russia or Poland.

Other countries besides the United States which have received substantial numbers of Jews are Canada, Argentina, and South Africa.

There has also been a somewhat constant movement of Jews to and from Palestine, which became numerically significant after 1880.

The first Jewish immigrants to arrive in the United States were the Spanish Jews, who entered this country about 1654. German Jews began migrating about 1815, and a peak movement was reached in the 1880's. A third migration, beginning in the 1880's, resulted in a great influx of east European Jews to this country. Between 1899–1914, of every 1,000 Jews in the Russian Empire, an average of 15.6 emigrated annually, 13 of whom came to the United States.[48]

The American Jewish Joint Distribution Committee estimates that the Jewish population of the world decreased from 16,000,000 in 1939 to about 11,000,000 in 1946, as a result of maltreatment during the period of World War II.[49] Statistics indicate that over 50 percent of the world Jewish population is now residing in the Western Hemisphere. Over 5,000,000 Jews are located in the United States, while some three-fourths of a million are distributed through Canada, Argentina, Brazil, Chile, Uruguay, Mexico, Cuba, and other countries of the Western Hemisphere.

Europe had approximately 4,000,000 Jews in 1948, located chiefly in Russia, Rumania, France, Hungary, Germany, and Great Britain. Asia had approximately 1,000,000 Jews, most of whom were in Israel. Africa had nearly 750,000 Jews, who were found principally in the north African countries bordering the Mediterranean Sea, especially French Morocco, Algeria, Egypt, and Tunisia. The continent of Australia had approximately 40,000 Jews in 1948.[50]

d. Asiatic migration

Next to Europe, the continent of Asia has been the principal source of modern migratory movement. Unlike Europe, however, Asiatic

[45] Willcox, op. cit., p. 556.
[46] Ibid., p. 473.
[47] Ibid., p. 478.
[48] M. R. Davie, World Immigration (1936), p. 145.
[49] See appendix III, table 1, p. 811.
[50] American-Jewish Yearbook, 1948–49, pp. 692 ff.

migration has been largely intracontinental, including the islands adjacent to the continent. The principal Asiatic countries involved in this population movement are the most populous countries—namely, China, India, and Japan.

(1) China

Economic distress occasioned by overpopulation, drought, flood, and famine has been the chief cause of emigration from China. Originally much of China's emigrant population went to such southeastern Asiatic countries as Siam, Straits Settlements, Federated Malay States, Indochina, and to the East Indies, Formosa, the Philippines, and Hawaii. The United States, Peru, Cuba, Australia, Brazil, and Canada have been among the principal receiving countries for those Chinese emigrants who have gone to continents other than Asia.[51] Approximately 400,000 immigrants have come into the United States from China since 1820.[52]

Before World War II, much of the emigration from China proper went to the outlying provinces of Mongolia and Manchuria.

(2) Japan

Due to the fact that until 1868 Japanese citizens were generally forbidden to go abroad, emigration from Japan is of comparatively recent origin. Legalization of emigration of Japanese subjects did not take place until 1885.[53] Approximately 280,000 have immigrated into the United States since 1861. Under the present law, persons of the Japanese race are inadmissible to the United States for permanent residence. Large numbers have gone to Asiatic Russia and Hawaii. Between 1885 and 1924 some 302,946 persons emigrated from Japan to Asiatic Russia, while Hawaii received 238,758 during the same period. Other countries which have received substantial numbers of Japanese immigrants are China, Korea, Canada, Brazil, Philippines, and Peru. Small numbers have also gone to Europe, particularly to England, Germany, and France.

Japanese international migration has not been extensive.[54] The majority of the laboring class of emigrants have gone to the United States or to Hawaii, with the remainder going to Brazil, Canada, Philippines, Peru, and Asiatic Russia.[55]

In comparatively recent times a number of the countries to which the Japanese have tended to migrate have adopted highly restrictive immigration policies, and those countries which have not adopted such policies have been less attractive to the migrants.

(3) India

Despite India's great population, its migratory movements have not been on a great scale. Much of its emigration has been of the "indentured workers" type. Many laborers, both skilled and unskilled, were transferred to areas needing their services, under a form of contract labor. During the early part of the twentieth century, certain reforms in this system were adopted by the Government of India.

Statistics with regard to Indians living abroad indicate that the great majority are in colonies under British dominion, largely due to

[51] See appendix III, table 2, p. 811.
[52] Immigration and Naturalization Service, Annual Report, 1948, table 4.
[53] M. R. Davie, World Immigration (1936), p. 318.
[54] Walter F. Willcox, International Migrations, vol. II (1931), p. 636.
[55] See appendix III, table 3, p. 811.

the fact that there was in operation, for a time, a system of organized emigration to the British colonies, as well as to certain colonies of France and other countries.[56] The British colonies of Ceylon and Malaya have large numbers of Indians residing therein. Mauritius, South Africa, West Indies, British Guiana, and East Africa are other colonies having substantial numbers of migrants from India. "Immigration receiving countries" such as the United States, Canada, and Australia show little Indian immigration. Slightly more than 10,000 persons have migrated to this country from India since 1820 and most of these have arrived since 1900.

e. Inter-American migration

While many of the other American countries have themselves been countries of immigration, the United States has received not only more people from Europe than the rest of the Americas combined, but has also received a substantial number of people from the other American countries.[57] Nearly one-eighth of all immigrants to the United States since 1820 have come from North and South American countries and from neighboring islands.

By far the greatest percentage of Western Hemisphere migration to this country has come from Canada and Newfoundland. Of a total of 4,662,745 Western Hemisphere admitted immigrants since 1820, Canada and Newfoundland have supplied 3,130,405, or between 65 and 70 percent of the total. Mexico ranks next to Canada and Newfoundland as a source of American migration, while the West Indies rank third.

The bulk of Latin-American migrants have come from Mexico, while most of our Negro foreign-born since 1900 have come from the West Indies.

Puerto Ricans who migrate to the United States are not included statistically among the "immigrants," inasmuch as Puerto Rico is an unincorporated Territory of the United States. This group has, however, recently shown a rapid increase in migratory movement.[58]

7. IMMIGRANT RECEIVING COUNTRIES[59]

At least 60 percent of total world immigration from early in the nineteenth century to 1930 has come to the United States. Canada, which has ranked next to the United States as a receiving country, has received approximately 11.5 percent of total world immigration, or less than one-fifth as much as the United States. Argentina has received about 10 percent of total immigration, while Brazil has been the place of destination for 7 to 8 percent of world immigration. Australia, New Zealand, and South Africa have received most of the remainder.

A comparison of the different immigrant-receiving countries, with respect to the nationality composition of the immigration, is quite revealing. The United States shows a much more heterogeneous immigrant composition than do the other countries of reception.[60] British, Irish, German, Scandinavian, Austro-Hungarian, Russian, Italian, Canadian, and other nationality groups constitute substantial

[56] See appendix III, table 4, p. 812.
[57] Kingsley Davis and Clarence Senior, Immigration from the Western Hemisphere, Annals, American Academy of Political and Social Science, March 1949, p. 72.
[58] Ibid., pp. 77 ff.
[59] For discussion of policies of Principal Immigrant Receiving Countries, see sec. C of this chapter, p. 156.
[60] See appendix III, table 5, p. 812.

percentages of the immigrants to the United States. Canada and Australia receive a great preponderance of British immigrants. The two predominant sources of immigration to Argentina are Italy and Spain. Italy, Portugal, and Spain supply most of the immigration to Brazil.

8. PRESENT AND PROSPECTIVE MIGRATORY TRENDS

A large percentage of present-day migratory problems have arisen as a result of events occurring since the beginning of World War II. The end of the war found millions of persons uprooted and dislocated and, of these, a great number were unable or unwilling to return to their former homes. In addition, large numbers of persons have been uprooted from their homes as a result of events subsequent to the end of World War II. It is estimated that the total number of refugees, displaced persons, and expellees in the world today would run into 20,000,000.

These refugees, displaced persons, expellees, and other restless Europeans comprise a vast source of supply for overseas migration from Europe during the course of the next several years. It is estimated that over 250,000 refugees were admitted into the United States for permanent residence during the war years.

A Presidential directive of December 22, 1945, set aside 90 percent of the nonpreference portion of the quotas of certain European countries for exclusive use of displaced persons then in Germany, Austria, and Italy. Pursuant to this Presidential directive, approximately 44,000 displaced persons were admitted into the United States for permanent residence for a period ending June 30, 1948.

The Displaced Persons Act of 1948 provides for the admission into the United States for permanent residence of 205,000 displaced persons over a 2-year period, beginning July 1, 1948, and ending June 30, 1950. The act also provides for the adjustment of status of a number, not to exceed 15,000 displaced persons, who have been admitted into the United States on a temporary basis.

Special temporary legislation has also made possible the admission of thousands of spouses and fiancées of members or former members of our armed forces. Through June 30, 1948, a total of 95,785 alien wives, husbands, and children of American military or naval personnel had been admitted to the United States under this special legislation.

The manpower shortage during the war years necessitated the recruiting of thousands of workers from adjacent American countries in order to maintain our agricultural and industrial production. There have since been continued immigration pressures from these countries, especially from Mexico and the West Indies. Puerto Ricans, who are not subject to our immigration laws, have been migrating in great numbers, and have posed an in-migration problem of their own.

Recent legislation has, moreover, made provision for the admission of persons formerly racially ineligible for permanent residence. The Chinese, Filipinos, and natives of India are the principal racial groups affected by this legislation.

A further evidence of the present rising tide of immigration is the increased flow of regular-quota immigrants. During the war years the volume of quota immigration dropped precipitously, reaching its lowest mark in 1943, when only 9,045 quota immigrants were ad-

mitted.[61] In the fiscal year 1948, however, a total of 92,526 quota immigrants were admitted; in addition, 78,044 nonquota immigrants were admitted for permanent residence. Moreover, a total of 476,006 nonimmigrants—visitors, transits, and others—were admitted temporarily from overseas during the same year.[62] Many of these persons have overstayed their periods of admission and are here in an illegal status. Certain individual quotas are heavily oversubscribed; the Greek quota, for example, is subscribed for the next 50 years. There is presently a registered demand of over 1,000,000 against available quota numbers.

Illegal entrants pose an increasingly difficult immigration problem. Stowaways, deserting alien seamen, illegal border crossers, and others who make unlawful entry, give evidence of an increasing tide of migrants. Several thousand illegal Mexican-border crossers are being apprehended in the United States each week and returned to their homes.

Any appraisal of long-range prospective trends in international migration should take into account the related problem of trends in population. The general consensus of demographic authorities indicates that European nations, especially those of northern and western Europe, are now in, or approaching, a stage of stationary population growth, and gradual decline.

Hugh Carter [63] states that "the long-term trend of birth rates, especially in western Europe, has been downward." France, in particular, has had a very low birth rate for a number of years. The United States Census Bureau in 1946 predicted a population trend in this country similar to that just considered with respect to European nations.[64]

Another factor which may affect Europe's migration potential is its industrial and economic development. The growth of cities and of industries is absorbing some of the surplus rural population in those countries that furnish the largest immigration potential.[65] In Italy, however, an existing unemployment situation has caused that country to maintain an interest in exporting excess workers. Many of these workers may be absorbed by other European countries, especially by France.

The marked increase in birth rates in both Europe and the United States following World War II is considered to be not an indication of a general long-time trend but rather a situation caused by the war, and temporary in nature. Demographers point to a similar situation immediately following the First World War.

9. CONCLUSION

The greatest phenomenon of international migration has been the movement of Old World peoples to the Western Hemisphere, and especially of European peoples to the United States, during the nineteenth and twentieth centuries. There have been other contem-

[61] Watson B. Miller, Administering Our Immigration Laws, Annals, American Academy of Political and Social Science, March 1949, p. 183.
[62] Ibid., p. 183.
[63] Perspective, Annals, American Academy of Political and Social Science, March 1949, p. 2.
[64] U. S. Bureau of Census, special report, September 15, 1946.
[65] Dudley Kirk, Demographic Trends in Europe, Annals, American Academy of Political and Social Science, March 1949, p. 55.

porary population movements, such as the migrations of the Chinese, Japanese, and Indians, as well as international movements between American countries. European and Asiatic countries have had their intracontinental migrations. But none of these latter movements can compare in size and scope with the Europe-to-United States migration.

Since the period of World War I, a growing tendency to limit such population movements has been evidenced. Legislation, both selective and restrictive in purpose, has been adopted with respect to immigration. Moreover, some nations have placed certain restrictions on emigration, in order to limit the outflow of their citizenry.

Other factors have influenced the recent trends in migration. The depression of the 1930's, with its great amount of unemployment, reduced to a marked degree the number of persons immigrating to the United States and other receiving countries.

In recent years, due in large part to conditions resulting from the late war, pressure to emigrate from Europe has been great.[66] If not limited by problems of transportation and by immigration restrictions in countries of reception, migration might well again attain the proportion of the early years of the 20th century.

In strictly demographic terms Europe is, however, no longer producing population surpluses of sufficient size to feed the streams of overseas migration. According to Kirk:

> economic and demographic factors have joined in undermining the migration potential which gave rise to the great sustained and spontaneous overseas migrations of the past.[67]

Long-term immigration pressures may possibly be expected from Western Hemisphere countries. Particularly in Latin America, the pressures of a rapidly growing population on undeveloped resources will tend to stimulate the desire to emigrate.[68]

> The United States, with a population not growing fast but retaining a remarkably high standard of living, will continue to seem a haven to our southern neighbors.[69]

Increased immigration pressures from oriental countries are already in evidence. As previously mentioned, the Chinese, Filipinos, and natives of India have recently been made racially admissible, and quotas have been assigned to them. Consideration of proposed legislation which would grant quotas to the Japanese and other nationality groups still racially inadmissible is given elsewhere in this report.[70]

C. Immigration Policies of Other Countries

1. Basic factors affecting policy

As was noted above, at least 60 percent of total world immigration from early in the nineteenth century to 1930 came to the United States.[71] This is the only period in which comparable figures are available on immigration to other major immigrant-receiving countries, such as Canada, Argentina, Brazil, and Australia.

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[66] Dudley Kirk, Demographic Trends in Europe, *Annals, American Academy of Political and Social Science*, March 1949, p. 55.
[67] Ibid., p. 55.
[68] Kingsley Davis and Clarence Senior, Immigration from the Western Hemisphere, *Annals, American Academy of Political and Social Science*, March 1949, p. 81.
[69] Ibid, p. 81.
[70] See ch. V, p. 458.
[71] See p. 23.

The immigration policies of the five major immigrant-receiving countries vary considerably. In fact, no two of the five nations have identical attitudes on immigration and attendant problems. This appears to be the result of seven basic factors which dominate the patterns of such policies. None of the five major nations receiving immigrants has a policy that is based solely on one of these seven factors. Some countries have employed only two factors, while others have embodied in their policy as many as five or more. Although the immigration policies of France and Great Britain are dealt with in this section, these countries are not regarded as major immigrant-receiving countries.

The following are the seven basic factors on which immigration policies are established: (1) The quota system, (2) selective system, (3) exclusion system, (4) preferential system, (5) financial-assistance system, (6) contract-labor system, and (7) work-guaranty system.

a. Quota system

The quota system fixes numerical limitations on the number of persons who are permitted to immigrate into the country adhering to such a system, and allocates the quota numbers to natives of certain countries throughout the world. Only the United States, the Philippine Republic, and Brazil employ a quota system. The quotas under the system employed by the United States and the Philippine Republic are allocated to national groups on the ratio of the composition of such nationality groups in the population according to the census of 1920, while the quotas under the system employed by Brazil are allocated on the basis of the nationality groups which immigrated to that country between 1883 and 1934.

b. Selective system

The selective system provides for the selecting of aliens to fill depleted ranks of certain types of workers in the country employing such a system. This selection is carried out either by appointed commissions who examine groups of aliens claiming to be skilled in the work that is expected of them, or through inter-governmental agreements or treaties. Argentina and Brazil employ this system.

c. Exclusion system

This system sets up absolute barriers on the basis of race or on the basis of physical, mental, or moral afflictions. Argentina officially does not maintain racial exclusion policies, but does, nevertheless, permit no persons of any colored race to settle in the country, even though they are admitted sporadically as visitors. Australia, Brazil, Canada, and the United States have general exclusionary provisions in their immigration policies.

d. Preferential system

Preferential systems are designed to maintain designated racial characteristics of the population of the countries employing such systems. This system is employed by all of the major immigrant-receiving countries. Canada, officially, has discontinued all immigration with the exception of persons from the United Kingdom and from France, and of certain "skilled worker" classes of other nationalities. Argentina's preference includes the nationalities of the early settlers of that country, namely, the Spanish, Italian, Portuguese, German, and Swiss. Australian preference is predominantly for people of

British stock, with a tolerance toward citizens of the United States, while Brazil chiefly favors the Portuguese and, to a lesser degree, the Italians and Spanish. While the United States expressed a form of preference through the establishment of the national origins system in 1924, the flow of immigrants to the United States has not been in the proportion in which quotas are allocated because some countries with large quotas have used a relatively small percentage of their quotas.

e. Financial-assistance system

An economic outgrowth of immigration has been the material inducement offered to prospective immigrants by immigrant-receiving countries. This has been done in several ways. It has been done through direct financial assistance in the way of passage money, as well as through direct personal loans for purchase of land and farm implements. It has also been done by offering a guaranty of employment under contract for a certain period of time.

The financial-assistance system has been used by Argentina, Australia, and Brazil. All three have made conditional provisions for repayment, in whole or in part, of transportation expenses by aliens to the respective countries, but who are unable to defray such expenses themselves. In addition, Argentina and Brazil have provided for loans and direct grants to prospective farming people and others who will assist in further developing the vast resources of those countries.

f. Contract-labor system

Contract labor was, with minor exceptions, outlawed by the United States, as far as immigrants were concerned, in 1882. Argentina and Brazil, however, still employ this system. The immigrant is simply under contract to perform certain work. In these work contracts, there are usually stipulations pertaining to wages, working conditions, and housing.

g. Work-guaranty system

The work-guaranty system has operated as a rather effective check in England against permanent settlers whose occupations were overcrowded. In order for any alien to receive a visa for permanent immigration, he must produce a work guaranty and a labor permit which his prospective employer must obtain from the Minister of Labor. Before the permit is issued, the Minister of Labor must be satisfied that the prospective employer cannot find an equally qualified prospective employee in England.

The only major immigrant-receiving country employing this system is Brazil, which has a work guaranty provision for isolated individuals who do not fall in the class of "group importation of needed workers" but who, because of their particular qualifications, are needed in some areas in Brazil's industrial scheme.

2. GREAT BRITAIN

a. Introduction

Although actual immigration to Great Britain on a permanent basis is relatively small as compared to the immigration into the United States and Canada, there is a constant influx of transit visitors en route either to Canada, the United States, or South American countries.

b. Visa and passport requirements

An American desiring to visit Great Britain does not require a visa. In 1948 an agreement was reached between Great Britain and European countries cooperating in the Marshall plan, dispensing with visas for international travel to and from the countries to the agreement by their subjects or citizens. All the traveler needs is a valid passport issued to him by the department of foreign affairs of his government. Subjects or citizens of countries other than those cooperating in the Marshall plan must, however, not only have a valid passport, but a visa as well. The possession of such a visa is, nevertheless, no guaranty that the traveler will be permitted to land. Final decision rests with the immigration authorities at the port of entry.

Consular officers of Great Britain, like those of Canada, do not make an extensive investigation of applicants for visas as is done by American consular officers abroad. All applications for visas for permanent residence, as well as applications for a change of status from visitor to permanent resident, are thoroughly investigated and handled by and through the home office.

c. Excludables: Registry of aliens

Generally speaking, immigration is barred to such persons as idiots, persons with contagious diseases, criminals, and similar classes. Once aliens have landed in England, they are required to conform to rigid rules concerning their whereabouts. Within 2 months they must register with the police or constabulary and must report at regular intervals or face deportation.[72]

d. Employment restrictions

A worker residing in continental Europe who desires to migrate to England for the purpose of obtaining employment must first be guaranteed work. The employer who wishes to guarantee an immigrant permanent employment must first secure a permit from the Minister of Labor. Unless a worker has unusual qualifications and the prospective British employer has difficulty finding a suitable native worker for a certain job, chances of securing such a labor permit are comparatively slight.

At the close of World War II there existed a considerable manpower shortage in the British Isles. It was then decided that prisoners of war who wished to remain on a temporary basis to work on the farms and on other projects in England could do so. Thereafter several groups of miners, agricultural workers, and other specific classes of workers were imported into the country. That procedure has now come almost to a standstill, since most of the labor requirements have been met.[72]

e. Emigration

No attempt has been made by the British Government to discourage emigration, even during the 2 years immediately following the close of World War II. The outgo between the summer of 1947 and that of 1948 alone totaled over 72,000, namely, 40,015 to Canada,[73] 26,403 to the United States, and some 6,000 to Australia. Since the close of the war, over 80,000 persons from Great Britain have come to the

[72] Information from British Embassy, August 5, 1949.
[73] Information from Canadian Embassy, August 1, 1949.

United States as immigrants. The statistics for the past three fiscal years are as follows: [74]

1946	33,552
1947	23,788
1948	26,403

f. Nationality Act of 1948

Following the close of World War II there was considerable confusion about the status of various British subjects in the home country and in the various dominions and territories. To correct this situation, England, as well as the dominions, passed necessary legislation clearly defining the status of all subjects owing allegiance to the Crown.

Under the terms of the British Nationality Act of 1948, a person may file an application to become a British subject after 12 months of residence in the country. One of the pertinent requirements for prospective naturalized subjects is acceptable knowledge of the English language, including the ability to read and write. The residence requirement is 7 years in the United Kingdom.

3. CANADA

a. Introduction

The immigration policy of Canada is one of selection rather than one of restriction. There is no numerical limitation, since Canada has no quota system such as that in force in the United States. Privy Council Order No. 2745, issued June 2, 1949, states that—

> from and after the date hereof and until such time as otherwise ordered, the landing in Canada of immigrants of all classes and occupations is prohibited, except as hereinafter provided.

Those who may be permitted to enter at the discretion of the immigration officer in charge are: British subjects, Irish citizens, citizens of the United States and France, as well as their husbands, wives, sons, daughters, brothers, sisters, together with husband or wife and unmarried children, their fathers or mothers, the orphan nephew or niece under 21 years of age of any person legally resident in Canada who is in a position to care for such relatives. Also permitted to enter are certain agriculturists and farm laborers, persons experienced in mining, lumbering, or logging, persons intending to marry a legal resident, and persons who, having entered Canada as nonimmigrants, enlisted in the Canadian forces and were honorably discharged.

There is one interesting proviso which is applicable to immigrants from the United States and France, as well as to agricultural workers, miners and lumbermen. It stipulates that such immigrants must be destined for settlement in a province which has not signified its disapproval of such immigration.

b. Immigration statistics: Visa issuance

Canadian immigration policy favors persons of British origin. In fact, of the 125,603 immigrants who entered Canada during the fiscal year ended March 31, 1948, 40,015, or 31.9 percent, were British. Other large nationality groups entering during that period were: Polish, 15,420, Ruthenian, 10,498, Dutch, 9,866, Hebrew, 8,447, Italian, 5,207, and German, 4,785.[75]

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[74] U. S. Immigration and Naturalization Service, Annual Report, 1948, table 13.

[75] For statistics on immigrant arrivals to Canada from 1881 to 1946, see appendix III, table 6, p. 812.

Since 1880, over 6,000,000 immigrants have come to Canada.[76] Of that total, over 2,300,000 were from the United Kingdom. Exclusive of the British-born, the number of foreign-born in Canada is about equal to the number of Canadian-born in the United States.[77] Unlike the procedure prescribed for aliens desiring to migrate to the United States, applicants for visas permitting entry into Canada cannot receive a visa as such; the only type of visas issued by Canadian consular officers abroad are visitors' visas, allowing the alien to remain in the Dominion for a specified time. If, upon arriving, the alien declares his desire to settle, he may file an application for a permanent visa.

c. Excludable classes

Section 3 of the Canadian Immigration Act specifically puts into the "prohibited classes" persons who believe in or advocate the overthrow by force or violence of the Government of Canada or of constituted law and authority; persons who disbelieve in, or are opposed to, organized government; persons who advocate the assassination of public officials or who advocate or teach the unlawful destruction of property. In addition, the Canadian act excludes persons such as idiots, criminals, procurers, illiterates, and similar classes. Immigration of all Asiatics is prohibited.

d. Naturalization and citizenship

(1) Statutes—Historical development

On July 1, 1946, a proclamation was issued providing that the Canadian Citizenship Act, which was passed during the previous session of Parliament, would become effective on January 1, 1947. The act, for the first time, provided a definition of a Canadian citizen. Prior to the passage of this act there were three Canadian statutes which dealt with certain aspects of the questions of nationality and citizenship. The existence of these three statutes was due in part to the existence of the common status of British subjects. In the early days of the older Provinces, which became part of Canada in 1867, naturalization could be conferred only by private act of the Legislature.

The first general Federal act dealing with the subject of naturalization was passed in the early 1880's and, with minor amendments, this remained in force until the Naturalization Act of 1914. Naturalization under the general acts prior to the act of 1914 conferred the status of a British subject within Canada. This status was not recognized beyond the Canadian boundaries. The act of 1914 provided for naturalization which conferred the status of a British subject who would be recognized as such in the United Kingdom and other dominions. The act of 1914 did not, however, provide any definition of persons who might be regarded as Canadians or Canadian citizens.

The new legislation, the Canadian Citizenship Act, defines as Canadian citizens persons: (1) Who were born in Canada or on a Canadian ship and (2) who were born to Canadian parents outside Canada before the passage of the act, except where the parents had become aliens or, if not born in Canada or on a Canadian ship, had Canadian domicile at the time the birth took place.

A declaration of intention to become naturalized must be made before application is made for Canadian citizenship. This declaration

[76] National Committee on Immigration Policy, International Migration and One World, (1948), p. 39.
[77] Maurice R. Davie, World Immigration (1936), p. 420.

has to be made at least 1 year and not more than 5 years before naturalization takes place. Such declarations are necessary for aliens desirous of becoming naturalized, but not for wives or husbands of Canadians or for non-Canadian British subjects. The residence requirement, even for British subjects, is 5 years.

(2) Loss of citizenship

A Canadian by birth may lose his citizenship by the acquisition of a foreign nationality, while naturalized persons may lose their citizenship under prescribed conditions. Under the old law a naturalized Canadian would lose his status if he were absent from Canada for 1 year. Under the new act a naturalized Canadian citizen will not lose his citizenship unless he is outside the country for six consecutive years. Through various actions, including service in the armed forces of an enemy country, citizenship may be forfeited.

(3) Citizenship education

Starting in 1947, Canadian authorities have instituted an educational program to assist aliens in learning to understand the rights, duties, and privileges of Canadian citizenship. Through literature about Canadian institutions and classes, the new arrivals are helped in the steps they need to take to become citizens.

Since 1917, over 1,300,000 people have been naturalized in Canada. Canadian officials believe that with resumption of substantial immigration there will be hundreds of thousands of new citizens to be initiated.[78]

4. AUSTRALIA

a. Introduction

The immigration policy of Australia, as well as the enforcement procedures, is radically different from the immigration policy and the enforcement procedures of the United States. In the first place, although the Australian Immigration Act does not contain racial exclusion provisions, all races other than white are administratively barred from immigration into Australia.[79] Australian policy is based on the conception that the homogeneous character of the population which settled and developed the country shall substantially be maintained.

b. Prohibited immigrants: Enforcement regulations

Persons other than white are permitted in Australia only as visitors, students, temporary traders or merchants. Thus, all such persons traveling or temporarily residing in Australia are classed as "prohibited immigrants." They can never attain permanent residence and must leave at the expiration date specified on their visa. Exceedingly strong enforcement provisions are written in the law. For instance, every officer may, without warrant, arrest any person reasonably supposed to be a prohibited immigrant offending against the act and no person may resist or prevent such arrest.[80] Any officer may stop and search any vessel or vehicle in which he has reason to suspect any prohibited immigrant to be.[81] Any officer may, at any reasonable hour in the daytime, enter any building, premises, or place in which he has reasonable cause to believe any prohibited immigrants to be, and search the building, premises, or place to

[78] Frank Flaherty, He's Going To Be a Citizen, Canadian Immigration Service, No. 13 (1946), p. 4.
[79] Information from Australian Embassy, August 9, 1949.
[80] Australian Immigration Act, 1901–40, p. 18, sec. 14 (aa).
[81] Ibid., sec. 14 b (1).

ascertain whether any prohibited immigrant is therein.[82] In addition, any officer may, without warrant, arrest any person presumed to be a person whose deportation has been ordered by the Minister of Immigration and no person may resist or prevent such arrest.[83]

Besides the excludables previously mentioned, there are certain other groups which are classed as "prohibited immigrants." An effective check on illiterates is the so-called "dictation test." Any person who, when an officer or person duly authorized in writing by an officer, dictates to him not less than 50 words in any prescribed language, fails to write them out in that language in the presence of an officer or authorized person, is a "prohibited immigrant." [84]

In addition, there are the usual classes of excludables, such as imbeciles, prostitutes, criminals, and those likely to become a public charge, as well as "any persons declared by the Minister to be, in his opinion, undesirable as an inhabitant of, or visitor to, the Commonwealth." [85] An official order also limits the number of Hebrews permitted to enter Australia, either as immigrants or as visitors, to 25 percent of the total number of passengers arriving on any and all vessels and aircraft.[86]

c. Assisted immigration

Although Australia has no quota system, the immigration of persons who are native to any portion of the United Kingdom is encouraged. Just prior to World War II, 92 percent of the total stock of Australia was British or of British origin; of that number, 86 percent was native-born.[87] Recognizing the urgent need for a larger population, the Australian Government has embarked on an expansionist immigration policy.[88] In fact, the Government offers free passage to medically fit and suitable ex-servicemen from any part of the United Kingdom; it will also pay 40 percent of the passage of any American ex-serviceman and his wife who wish to emigrate to Australia. The Government, although anxious to have as many as 70,000 persons a year immigrate, still, however, enforces rigidly the qualification provisions for all immigrants.

d. Check on seamen

Excepted from the prohibited class are—

> the master and crew of any vessel landing during the stay of the vessel in any port in the Commonwealth—

provided that the master shall, upon being so required by any officer, and before being permitted to clear from or leave the port, muster the crew in the presence of an officer; and if it is found that any person is not present who according to the vessel's articles was one of the crew when the vessel arrived at the port and who would, in the opinion of the officer, be a prohibited immigrant, then such person, until the contrary is proved, shall be deemed to be a prohibited immigrant.[89]

Another provision is that—

> identification cards bearing the full name, thumbprint, photograph, and prescribed description of each member of the crew, and indorsed by the master—

must be produced to any officer on demand.[89]

[82] Ibid., sec. 14 b (2).
[83] Ibid., p. 18, sec. 14 c.
[84] Ibid., p. 2, sec. 3, par. a.
[85] Ibid., p. 4, sec. 3, par. gh.
[86] Information from Australian Embassy, August 9, 1949.
[87] Information from Australian Embassy, August 9, 1949.
[88] National Committee on Immigration Policy, International Migration and One World (1948), p. 56.
[89] Australian Immigration Act, 1901-40, sec. 3, par. k, p. 2.

e. Consular procedure

Australian consular officers abroad, like those of the United States, conduct an investigation when an alien files an application for a visa. Once the alien seeking permanent residence in Australia has been determined to be a desirable person, he is issued a so-called "landing permit." Visitors do not receive such permits. In the case of persons applying for visitors' visas, of course, the screening process is also used to prevent the entering of subversives.

Australian consular officers in the United States have authority to deal only with applications filed by American citizens. In other words, they cannot issue a visa of any kind to subjects or citizens of any other nationality residing temporarily or permanently in the United States.[90] They cannot even initiate the procedure. Instead, they must refer the case to their home office. Consular officers of the United States are permitted to handle applications of aliens of virtually all nationalities.

f. Naturalization and citizenship

(1) Nationality and Citizenship Act

On December 21, 1948, a new Australian Nationality and Citizenship Act was approved. The act is similar to the Canadian Citizenship Act and defines the status of Australians in the realm of the United Kingdom. The new act provides for the automatic right to Australian citizenship by birth. There are, however, two exceptions: A person shall not be an Australian citizen by virtue of birth if his father was an envoy of a foreign country accredited to His Majesty or if his father was an enemy alien and the birth occurred in a place then under occupation by the enemy.[91]

Under the terms of the same act, certain classes who had resided in Australia but who had not become naturalized were permitted to claim citizenship under certain conditions through a registration procedure. An alien may now apply for citizenship after first making a declaration of intention.[92] He must have resided in Australia or New Guinea for at least 1 year before he may file such a declaration of intention. An applicant for a certificate of registration or a certificate of naturalization must advertise his intention to apply in two newspapers published and circulated in the district in which he resides.

(2) Loss of citizenship

There are several ways by which a naturalized Australian citizen may lose his citizenship automatically. A naturalized citizen who has resided outside Australia and New Guinea for a continuous period of 7 years ceases to be an Australian citizen. He may, however, retain his citizenship status if he gives the prescribed notice to an Australian consulate at least once during the second and each subsequent year of his absence of his intention to retain his Australian citizenship.[93]

Such acts as bearing arms in the service of an enemy country or obtaining citizenship through fraudulent statements and false representations will also bring about loss of Australian citizenship. An-

[90] Information from Australian Embassy, August 9, 1949.
[91] Australian Citizenship Act, pt. III, division 1, pp. 4-5.
[92] Australian Citizenship Act, pt. III, division 3, p. 6; The Schedules, Schedule 2, p. 19.
[93] Australian Citizenship Act, sec. 20, p. 9.

other cause for loss of citizenship is showing oneself by act or speech to be disloyal or disaffected toward His Majesty.[94]

The Minister of Immigration may, by order, deprive of his Australian citizenship a person who is a citizen by registration or by naturalization if, within 5 years after becoming a citizen, he has been sentenced in any country to imprisonment for a term of 12 months or more.[95] Moreover, the Minister of Immigration may grant or refuse an application for citizenship without assigning any reason.[96] When an order is issued depriving a person of his Australian citizenship, that person must surrender his certificate for cancellation. Failure to do so is punishable by a fine of £100.[97] The making of false statements in connection with an application for citizenship is punishable by imprisonment for 3 months.[98]

g. Immigration statistics [99]

More than 115,000 travelers arrived in Australia during 1948. Of that number, 65,731 were bona fide immigrants or returning nationals, all intending permanent residence. This represents a substantial increase over 1947 and 1946, when arrivals for permanent residence amounted to 31,731 and 18,217, respectively.[1] Of the 65,731 permanent new arrivals during 1948, 43,502, or 66 percent, were of British nationality, and 22,229, or 34 percent, were non-British. The entire group consisted of 36,451 males and 29,280 females.

For all practical purposes, immigration was discontinued during World War II. During the 3 years prior to the outbreak of hostilities, immigration into Australia was considerably below normal. Total permanent immigration was as follows: [2]

1937	16, 291
1938	19, 548
1939	24, 068

Classification according to nationality of immigrants was started in Australia in July 1948. During the last quarter of 1948, 8,530 non-British immigrants were admitted into the Commonwealth. The nationalities leading in immigration into Australia during the last quarter of 1948 were nationalities whose annual immigration quotas for the United States had been oversubscribed; they were chiefly eastern and southern European nationalities. The following nationality groups had the heaviest representation:

Polish	1, 527	Russian	565
Italian	1, 329	Estonian	484
Latvian	1, 002	Greek	422
Yugoslav	817	Czech	316
Lithuanian	651		

For that same 3-month period, ending December 31, 1948, a total of 198 United States citizens immigrated into Australia, while immigrants from northern European countries were relatively few. Danes numbered 27, Swedes 19, and Norwegians 17.[2]

The main occupations of permanent arrivals into the Commonwealth during 1948 were stated to be as follows: [2]

[94] Ibid., sec. 21, p. 9.
[95] Australian Citizenship Act, sec. 21, p. 9.
[96] Ibid, sec. 40, p. 16.
[97] Ibid, sec. 48, p. 18.
[98] Ibid, sec. 50, p. 18.
[99] For statistics on overseas immigration to Australia from 1901 to 1930, see appendix III, table 7, p. 813.
[1] Commonwealth Bureau of Census and Statistics, P. N. 2623, May 17, 1949.
[2] Commonwealth Bureau of Census and Statistics, P. N. 2623, May 17, 1949.

Males		*Females*	
Craftsmen	7, 826	Clerks, etc	2, 190
Rural, fishermen, etc	3, 859	Domestics, etc	2, 029
Operatives	3, 542	Professional	1, 870
Clerks, commercial, etc	3, 351	Operatives	1, 227
Laborers	3, 126		

Persons not gainfully employed (mainly housewives, students and children) . 29,494

5. FRANCE

a. Introduction

During the latter part of the seventeenth century and during the eighteenth century, France was probably the most densely populated country in Europe. Thereafter, her birth rate commenced to decline, causing a drop in population density.[3]

Because of an acute manpower shortage immediately following the close of World War II, France, for a while, actively encouraged immigration, especially of farm laborers and skilled and semiskilled workmen. In fact, it was announced that the restoration of the French economy would require the importation of 1½ million foreign workers by 1950 in order to achieve France's economic goals.[3]

In the strict sense of the word, there exists no separate immigration law in France. The entire group of provisions governing immigration as well as naturalization are part of the National Civil Code of the Republic of France, adopted in 1945. These provisions contain no stipulations for "favorite groups" such as exist in the immigration laws of Canada, Australia, Argentina, and Brazil.

b. Treaty immigration

To cope with the reconstruction program following World War I, France imported foreign labor on a large scale. Nevertheless, immigration into France, unlike that into the United States, has scarcely ever been a movement of individuals acting on their own initiative and responsibility. Instead, France has championed group immigration, regulated by treaties or agreements between the sending and receiving countries, including stipulations pertaining to recruiting procedure, work conditions, and wages.[4] This is in contrast to the policy employed by the United States, which has, since 1882, with the exception of a brief period during World War II, when workers from the Western Hemisphere were imported into the country, provided for the exclusion of immigrants who have entered into contracts for employment before their arrival in this country.[5]

For a considerable time after World War II, France employed almost 700,000 Germans who were prisoners of war. The United States transferred custody to France of some 440,000 of these prisoners of war on a temporary basis, according to an agreement entered into by the United States and France. These Germans, however, had to be repatriated by October 1, 1947.[6] They were offered the privilege of permanent settlement in France or French territory, under work contract and with certain rights almost identical to those accorded to other alien workers. It has been reported that about 10 percent of these German prisoners of war accepted this offer.[7]

[3] National Committee on Immigration Policy, International Migration and One World (1948), pp. 61 ff.
[4] National Committee on Immigration Policy, op. cit., pp. 61 ff.
[5] Ibid., p. 18.
[6] State Department Bulletin, March 23, 1947.
[7] National Committee on Immigration Policy, op. cit., pp. 62 ff.

In 1947, the then Foreign Minister of France, George Bidault, proposed at the Moscow Conference the formation of a program through which large-scale emigration from Germany would be made possible. He is reputed to have defended his opinion by asserting that a systematic and gradual reduction of the German population would assist in averting another war. Had such emigration avenues been available to Germans after World War I, the Second World War, Bidault asserted, might well have been prevented.[8]

Italy and France concluded a treaty for the importation of 200,000 Italian workers. The rate of reception was about 17,000 per month, and the laborers were permitted to bring their families or send for them later. The resultant total estimated addition to France's population was about 500,000. Similar treaties by France with Poland and Austria have also been consummated. As a result of the treaty entered into with Poland, France since the close of the war has received over 380,000 Poles.

c. Visa regulations: Exclusion and deportation

France has for years counted on a substantial tourist trade as part of her national economic scheme. Statistics show that tourists and visitors always greatly outnumber permanent immigrants to France. Visitors' visas issued by French consular officers are valid for 3 months. Student visas are valid for the duration of the school or college terms. All aliens, whether visitors or students, are given identification cards under the provisions of a law similar to the United States alien registration law of 1940. Settling in France on a permanent basis is prohibited unless permission is first obtained from the Minister of Labor. Visitors and students are generally not allowed to be gainfully employed. All applications for permits to settle permanently in the country are investigated thoroughly by the French secret police.

French policy, like that of most countries, precludes admission to mentally unbalanced persons, persons with incurable and loathsome contagious diseases, criminals, known prostitutes, and similar classes. French immigration policy, on the other hand, does not, per se, exclude from immigration persons because of their race.[9]

d. Naturalization

Aliens may apply to become French citizens after a residence of 5 years. The number of Frenchmen becoming American citizens is fairly small. Over a 10-year period, ending June 30, 1948, only 22,223 persons claiming France as their country of origin had become naturalized citizens of the United States.[10]

6. BRAZIL

a. Introduction

The current immigration policy of Brazil is a rather flexible one. The number of immigrants permitted to enter varies from one year to another even though, ostensibly, Brazil maintains a quota immigration system for all nationalities but the Portuguese.[11]

[8] Christian Science Monitor, March 21, 1947.
[9] Information from French Embassy Chancery, September 7, 1949.
[10] U. S. Immigration and Naturalization Service, Annual Report (1948), table 39
[11] Information from Brazilian Embassy, August 17, 1949.

b. Colonization and settlement

Although discovered in 1500 and colonized since 1532, Brazil in 1820 had a population of only about 4,000,000, despite the constant influx of Portuguese. Brazil was first a royal colony. Later attempts by France and Holland to colonize Brazil were defeated by the Portuguese. Between 1820 and 1940, some 5,342,000 immigrants entered the country.[12] On the basis of the percentage of its population, Brazil ranks third as an immigrant-receiving country.[13]

While most of the southern European colonists drifted all over the country, the early German and Swiss colonists settled chiefly in the states of Rio de Janeiro, Parana, Santa Catarina, and Rio Grande do Sul. Only the hardy people of the soil stayed in the rural areas; small merchants, traders, and unskilled workers flocked to coastal cities.

c. Immigration restriction: Quota system

In 1930, the Government of Brazil began to tighten up on immigration. At first, this move was aimed chiefly at curtailing the inflow of "steerage" immigrants; eventually it was extended to all classes. Then, in 1934, the Government established a quota system patterned somewhat after the quota system then in force in the United States. The Brazilian Government determined henceforth to allow immigration of all nationalities on the basis of 2 percent of the cumulative total average such nationalities represented in the country between 1883 and 1934. This system proved to be beneficial to the Japanese, who had for some time previously been immigrating into Brazil in substantial numbers. While Japanese immigration between 1901 and 1910 amounted to only about 1800, the succeeding decades saw first 27,500, then 71,500, and finally 86,500 Japanese enter Brazil. In fact, the recent immigration of Japanese has greatly exceeded that of the desired German immigration.[14] In order to solve the problem of Japanese immigration, it was ordered that all unskilled laborers be limited to a bare minimum. Since this limitation was also applicable to other nationalities it resulted in a drop in over-all immigration, which, between 1931 and 1940, amounted to only 288,000, making an aggregate total between 1921 and 1940 of around 840,000, the smallest number for such a 20-year period since 1871.

d. Assisted immigration

Prior to the second decade of the current century, the Brazilian Government encouraged immigration by extending financial assistance to certain prospective newcomers. After the discontinuance of free or assisted passage to settlers, immigration into Brazil dropped sharply. Between the years 1911 and 1920 only about 303,000 immigrants were admitted. World War I and the consequent lack of shipping facilities also contributed greatly to this decrease. Following World War II, it was deemed advisable to resume the furnishing of financial assistance to immigrants and in 1947 another system, somewhat similar to the system inaugurated in 1934, was put into operation. This was known as the 2-percent system. Under the new arrangement, quota immigrants were permitted entry on a selective basis, rather than on a numerical basis. As a result unskilled

[12] For statistics on immigration to Brazil from 1884 to 1941, by nationalities, see appendix III, table 8, p. 813.
[13] Das Heutige Brasilien (1949), p. 64.
[14] National Committee on Immigration Policy, International Migration and One World (1948), p. 44.

workers, who heretofore had made up the bulk of the immigrants, were generally not admissible.

e. Recent immigration policy

(1) Council on Immigration and Colonization

Under the terms of the Constitution of Brazil, adopted September 12, 1946, there was established a Council on Immigration and Colonization, composed of representatives of each of the 12 Ministers of the Cabinet. They meet at specified times to report on the aspects of immigration as regards their respective departments. For example, the representative of the Minister of Finance reports on the effects of current immigration on the nation's finances and the representative of the Minister of Labor reports on the effects of such immigration on the internal labor situation.[15]

Under the provisions of this constitutional set-up, the Minister of Foreign Relations is required to supervise immigration into Brazil. It was, for instance, through his department that a substantial group of Dutch farmers, along with their equipment and livestock, were imported into Brazil at the expense of the Brazilian Government.[15]

(2) Advantages to immigrants

Many advantages are offered to immigrants who intend to settle in Brazil permanently. Besides defraying complete or partial transportation expenses, the Brazilian Government guarantees the immigrants financial assistance in the form of loans during the first 3 years after they have landed in one of the state colonization areas.

(3) Restrictions on nationality settlements

The forming of "colonies" or large group settlements by any one nationality is forbidden. In every new "nucleus" settlement, 30 percent of the land must be reserved for Brazilian nationals and not more than 25 percent of the land may be occupied by immigrants of any one nationality.[16]

(4) Housing

Although Brazil definitely wants to increase her population through immigration, she is still somewhat hampered by a housing shortage. There still are not adequate facilities to accommodate the objective of the Government of 100,000 immigrants a year, the figure set as Brazil's goal for annual immigration.[17]

f. Consular procedure: Deportation

As previously mentioned, the Minister of Immigration is required by law to direct a program of selective immigration. A sizable portion of this program is carried out by agreements between the Minister and the representatives of friendly governments. Between them it is arranged for certain groups of aliens to immigrate. These groups are made up chiefly of skilled workers who are needed in Brazil. In such cases consular procedure is fairly simple because the cooperating government vouches for the immigrants. In cases of individual or isolated applications for immigration visas, the Brazilian consular officers abroad make a thorough check on the applicants, similar to the procedure followed by American consular officers.

[15] Information from Brazilian Embassy, August 17, 1949.
[16] National Committee on Immigration Policy, op. cit., p. 55.
[17] Ibid., p. 55.

Such checks are not, however, made on applicants for visitors' visas. On the other hand, a fairly close check is kept on visitors. Visitors who, upon or after arrival, are found to be undesirable are promptly deported. In fact, all persons advocating the overthrow of the Government by violence, Communists, and other unwanted types are subject to deportation even though they be naturalized Brazilian citizens.[17a]

g. Naturalization

Immigrants are eligible to apply for citizenship after 5 years' residence, except Portuguese immigrants, who are eligible after 2 years' residence.

7. ARGENTINA

a. Introduction

Argentine immigration policy is based purely on selection. There are no national quotas and, as far as the Argentine Government is concerned, immigration is strictly a question of filling the need for certain types of workers in various industries.[18]

b. Immigration and settlement

Argentina was originally settled largely by Spaniards. Thereafter, and until about 1879, about 70 percent of the immigrants entering Argentina were Italians. As time passed, the percentage of Italian immigrants decreased to about 40 percent. Just prior to World War I, Spanish immigrants into the Argentine Republic increased in numbers until such immigrants constituted almost 50 percent of the total immigration.[19] Consequently, the major portion of the population of Argentina is of Italian and Spanish origin. While at first non-Latin immigration into Argentina was insignificant, it increased in volume in the 1920's, and in 1926 it was approximately 30 percent of the total immigration.[20] Major nationality groups among the non-Latins were Russians, Turks, and Germans. The influx in the 1920's was, it is believed, largely due to the fact that the United States had inaugurated its quota-immigration system and the potential flow into the United States was diverted to Argentina and Brazil.

c. Comparative immigration statistics by nationality

For the 70-year period from 1857 to 1926, inclusive, overseas immigration tabulations showed that of the total immigration to Argentina, 2,718,000 immigrants, or 47.4 percent, were Italians, while 1,853,000, or 32.3 percent, were Spaniards. No other nationality group came even close to rivaling such percentages. The nearest were the French, with 229,000 or 4 percent, followed by the Russians, with 172,000 or 3 percent, and the Turks, with 169,000 or 2.9 percent. The Germans, with 111,000, constituted but 1.9 percent of all the immigrants during this 70-year period. The Germans while in the minority, generally, however, remained in Argentina. During the period from 1904 to 1913, although there was heavy immigration into Argentina, there was at the same time a tremendous emigration from Argentina. Toward the end of that period such emigration exceeded 120,000 annually.[21] This was the so-called birds of passage movement,

[17a] Information from Brazilian Embassy, August 17, 1949.
[18] Information from Argentine Embassy, August 30, 1949.
[19] National Committee on Immigration Policy, International Migration and One World, p. 42.
[20] For statistics on overseas immigrants to Argentina from 1857 to 1926 see appendix III, table 10, p. 813.
[21] National Committee on Immigration Policy, op. cit., p. 43.

composed chiefly of Italians who would come to Argentina in October or November, work in the fields until May or June, and return to their home country with their savings.[22] They could easily do this at that time, because of the then cheap steamship rates. Subsequent higher rates of ocean travel have prevented general recurrence of this practice. Many of these workers have since found a market for their labor nearer home, in France and other countries.[23]

d. Current immigration program

(1) Five-year plan

At present, Argentina is operating under a so-called 5-year program, which is aimed at selective immigration of persons needed in certain industries. There is no definite annual quota at which the Government aims. While at first the plan was to import workers at the rate of 50,000 per year,[24] that goal has been expanded considerably. In fact, Italian immigrants have been boosting the Argentine labor supply by approximately 2,000 weekly,[25] or at a rate of well over 100,000 annually. For a while, at least, this volume is expected to be maintained.[26] The majority of these Italians are being channeled into rural areas to increase farm labor. As a result of the influx of Italians into Argentina, Government authorities contend that the Italian influence in the country is becoming more important than the Spanish influence. British influence is gradaully disappearing, especially since the nationalization of the British-owned railroads and other industries.[27]

(2) Selection commissions

The Argentine Government maintains two selection commissions in Europe, one in Geneva, Switzerland; and one in Genoa, Italy. Since Argentina needs rural workers mainly, one of the instructions to the commissions is that in general no urbanites are acceptable. The professional classes are also generally not acceptable. With a population of about 17,000,000, Argentina has over 27,000 doctors. On a pro rata basis this is equivalent to 1 doctor for each 630 inhabitants. Available doctors in the United States are, pro rata, 1 for each 800 persons. Colored persons who seek to enter Argentina for permanent residence are generally barred administratively. They are, however, permitted to enter the country as visitors.[26]

(3) Assisted immigration

Permanent immigrants who are in a position to pay for their passage are required to do so. Many who cannot do so, but who appear to be desirable immigrants, are financed by the Argentine Government. All immigrants travel on Argentine vessels. Upon arrival, they are examined again and temporarily housed in a Government immigration hotel, prior to being shipped to their assigned final destination. The Government furnishes these immigrants a plot of land for which they pay over a specified span of years. The price differs according to the size of the plot. Illiterates are taught the language and history of

[22] For statistics on overseas immigrants to Argentina from 1857 to 1926, see appendix III, table 9, p. 813.
[23] National Committee on Immigration Policy, op. cit., p. 43.
[24] International Labor Office, Memoramdum on Immigration Policy, March 1947.
[25] Evening Star, Washington, D. C., August 25, 1949.
[26] Information from Argentine Embassy, August 30, 1949.
[27] Information from Argentine Embassy, August 30, 1949. Evening Star, Washington, D. C., Sept. 25, 1949.

Argentina and are given instructions in writing, etc. Generally speaking, skilled laborers, farmers, and certain skilled technicians are the three principal classes desired by Argentina.

e. Consular procedure

Argentine consular officers abroad do very little in the way of "screening" of applicants for immigration visas. Most of that work is done by the two Selection Commissions in Europe. The consuls and consular officers do pass on applicants for visitors' visas. These visas are valid for 1 year. All visitors, regardless of their destination, must report to the local police or constabulary within 48 hours after arriving in Argentina. Failure to do so results in a fine or deportation. Change of temporary address also must be recorded with the police.[26]

f. Excludable classes

From the close of World War II to August 30, 1949, over 243,000 regular immigrants have entered Argentina. This is exclusive of some 57,000 displaced persons who have also been received by Argentina. The major portion of these regular immigrants were Italians and Spaniards. Very few were northern or western European immigrants. Because of careful selections, there are few deportations. With respect to excludables, Argentina maintains a rigid policy similar to that employed by the United States. Criminals, imbeciles, prostitutes, persons who have committed crimes involving moral turpitude, and similar classes are excludable. Likewise, individuals who, after arriving in Argentina, are found to be undesirable or who advocate policies contrary to the interests of the Government are apprehended and are returned to their native country or incarcerated.[26]

g. Naturalization

Immigrants become eligible for Argentine citizenship after 2 years' residence. The applicant must show that he is well versed in Spanish; he must be in good health, and must produce references of reputable citizens testifying to his good moral character.[26] Upon naturalization the new citizen receives what is called his "military book," which he must take to the military authorities within 6 months. After that, he must present the book every time he votes and he is, by law, required to vote. Failure to do so draws a fine of 100 pesos.[26] The book also explains that he is liable to fulfill possible military obligations within a period of 10 years. The age limit for acquitting oneself of such military obligations is 55.[26] The oath which a new citizen is required to take does not specifically mention a willingness to bear arms for the Argentine Republic but the oath is so worded that compliance with all the laws automatically includes military service if called upon.[26]

Generally speaking, few Argentinians come to the United States on a permanent basis. During the fiscal year ended June 30, 1948, only 65 who gave Argentina as their country of origin were naturalized in the United States. During that same period, 17 Argentine seamen deserted their vessels in the United States.[28]

[26] Information from Argentine Embassy, August 30, 1949.
[28] Immigration and Naturalization Service, Annual Report, 1948, table 22.

D. History of the Immigration Policy of the United States

1. AUTHORITY FOR CONTROL OF IMMIGRATION

The power of Congress to control immigration stems from the sovereign authority of the United States as a nation and from the constitutional power of Congress to regulate commerce with foreign nations.[29]

This sovereign authority has its root in colonial America. Before the Revolution, the control of immigration and naturalization was a function of the sovereign authority which governed the individual colonies. The Declaration of Independence refers to immigration and naturalization problems then existing. In the list of indictments against the King of Great Britain for his "injuries and usurpations" in the government of the colonies, item 7 charges that "he has endeavored to prevent the population of these States; for that purpose obstructing the Laws for Naturalization of Foreigners; refusing to pass others to encourage their migrations hither, and raising the conditions of new Appropriations of Lands."

The Articles of Confederation were adopted in 1778. Article 4 made the citizens of each State citizens of every other State, but every State had its own naturalization laws and every State legally controlled immigration. In those days the control of immigration was practically equivalent to its encouragement. Although the citizenship provision of the Confederation was an advance over the colonial conditions, much confusion still existed in regard to citizenship, principally because each State had its own naturalization standard.

In 1789, 13 years after the Declaration of Independence, the preamble declared one of the objects of the newly adopted Constitution to be to "secure the blessings of liberty to ourselves and our posterity."

The powers of Congress to regulate the immigration of persons are contained in article I of the Constitution.

Article I, section 8, clause 3 of the Constitution provides that Congress shall have the power

> to regulate Commerce with foreign nations, and among the several States, and with the Indian tribes.

Section 9 refers to the slave trade without mentioning the word slavery as follows:

> The Migration or Importation of such Persons as any of the States now existing shall think proper to admit, shall not be prohibited by the Congress prior to the Year one thousand eight hundred and eight, but a Tax or duty may be imposed on such Importation, not exceeding ten dollars for each Person.

The several States controlled immigration according to their own desires until about 1824, when the constitutionality of a New York law was tested. In 1849, the Supreme Court ruled unconstitutional statutes of New York and Massachusetts imposing taxes in incoming aliens.[30] Beginning in 1829, court decisions began to indicate the unsatisfactory status of migration control, and in 1882, the first Federal law was passed.

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[29] *Chae Chan Ping* v. *United States*, 130 U. S. 581 (1889); *Edye* v. *Robertson, Collector*, 112 U. S. 580 (1884).
[30] Passenger cases—*Smith* v. *Turner; Norris* v. *The City of Boston*, 48 U. S. 283 (1849).

Regulation of naturalization is vested in the Congress by article 1, section 8, clause 4, of the Constitution which states that—

> Congress shall have Power * * * to establish an uniform Rule of Naturalization.

Every sovereign nation has power, as inherent in sovereignty and essential to self-preservation, to forbid entrance of foreigners within its dominions, or to admit them only in such cases and upon such conditions as it may see fit to prescribe.[31] Congress may exclude aliens altogether or prescribe terms and conditions upon which they may come into or remain in this country.[32]

The power and authority of the United States, as an attribute of sovereignty, either to prohibit or regulate immigration of aliens are plenary and Congress may choose such agencies as it pleases to carry out whatever policy or rule of exclusion it may adopt, and, so long as such agencies do not transcend limits of authority or abuse discretion reposed in them, their judgment is not open to challenge or review by courts.[33]

It has been settled by repeated decision that Congress has power to exclude any and all aliens from the United States, to prescribe the terms and conditions on which they may come in or on which they remain after having been admitted, to establish the regulations for deporting such aliens as have entered in violation of law or who are here in violation of law, and to commit the enforcing of such laws and regulations to executive officers.[34]

It has been repeatedly held that the right to exclude or to expel all aliens or any class of aliens, absolutely or upon certain conditions, in war or in peace, is an inherent and inalienable right of every sovereign and independent nation, essential to its safety, its independence, and its welfare; that this power to exclude and to expel aliens, being a power affecting international relations, is vested in the political departments of the Government, and is to be regulated by treaty or by act of Congress and to be executed by the executive authority according to the regulations so established, except so far as the judicial department has been authorized by treaty or by statute, or is required by the paramount law of the Constitution to intervene.[35]

The United States may exclude any alien for any reason whatsoever, such as the Government's dislike of the alien's political or social ideas, or because he belongs to groups which are likely to become public charges, or for other similar reasons.[36]

Expulsion of aliens is a sovereign power necessary to the safety of the country, to be regulated by the legislative department.[37]

The right of Congress to provide for elimination of undesirable aliens is not limited by the fact that such aliens may have become entangled by other prohibitions of law, and deportation proceedings are entirely apart from criminal proceedings and must proceed according to laws regulating them.[38]

Although an alien who had acquired residence in this country was entitled to the same protection of life, liberty, and property as a citizen,

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[31] *Nishimura Ekiu* v. *United States*, 142 U. S. 651, 659 (1892).
[32] *Fok Young Yo* v. *United States*, 185 U. S. 296 (1902).
[33] *Kaorn Yamataya* v. *Fisher*, 189 U. S. 86 (1903).
[34] *In re Kosopud et al.*, 272 F. 330 (1920).
[35] *Colver* v. *Skeffington*, 265 F. 17 (1920).
[36] *United States* v. *Parson*, 22 F. Supp. 149 (1938).
[37] *United States ex rel. Zapp et al.* v. *District Director of Immigration and Naturalization*, 120 F. 2d 762 (1941).
[38] Id.

he acquired no vested right to remain and the Government has power to deport him if, in the judgment of Congress, public interests so required, and such power is not dependent upon the existence of statutory conditions as to his right to remain at the time he became a resident.[39] An alien resident in the United States may be deported for any reason which Congress has determined will make his residence here inimical to the best interests of our Government.[40]

2. COLONIAL POLICY

The official immigration policy during the early part of our history was not well defined. The colonists had hardly set foot in America when they sought to prevent the admission of certain types of additional immigrants. Policies varied among the colonies with respect to selection of immigrants on the basis of religious beliefs, and their physical, mental, moral, and economic fitness.

In general, however, immigration was encouraged. Communities welcomed an increase in population, because it increased safety of life and property. Owners of large grants of land wanted their holdings occupied to increase their value and local governments often provided land free or at low prices to those who would settle and work it.

There were those, however, who advocated restrictive immigration controls. Benjamin Franklin commented on the large number of Germans in Pennsylvania and the possibility of needing interpreters in the State assembly. Thomas Jefferson thought it unwise to encourage immigration from monarchial governments. George Washington viewed unrestricted immigration cautiously.[41]

3. EARLY CONGRESSIONAL ENACTMENTS

The chaotic life of the young Nation and the attempts of France and England to take advantage of its weakness led to considerable antialien sentiment. The Federalists, hoping to establish themselves in power and disorganize the opposition which had a readier support at the polls from the foreign-born, pushed through the first enactment of Congress affecting immigration. This was the Alien Act of 1798,[42] adopted as part of the alien and sedition laws, which enabled the President to order the departure from the United States of any alien whom he deemed dangerous to the country. This legislation proved very unpopular, however, and it was not renewed at the expiration of its 2-year term. (This law must not be confused with the Alien Enemy Act of 1798, which is still in effect.) It might be said, therefore, that immigration flowed into this country untrammeled, with no legislative restraint until 1819.

John Quincy Adams, then Secretary of State, said in 1819 that the Government had never officially encouraged immigration from Europe, but in that same year, Congress passed a law which tended to encourage immigration, chiefly by improving transportation conditions on vessels.[43] This was the beginning of the so-called steerage legislation, which lasted from 1819 to 1908. The immediate causes were

[39] *United States* v. *Sui Joy*, 240 F. 392 (1917).
[40] *Skeffington* v. *Katzeff*, 277 F. 129 (1922).
[41] Immigration and Naturalization Service, Our Immigration, p. 2.
[42] 1 Stat. 570.
[43] 3 Stat. 488.

the reports of sufferings and privations to which immigrants had been subjected on board ship during the years following the War of 1812, especially during 1817 and 1818. In presenting the bill which resulted in the first of these laws to the House, Representative Newton, of Virginia, said (as reported in the digest of his remarks, 3 Annals of Congress, p. 414):

> In consequence of the anxiety to emigrate from Europe to this country, the captains, sure of a freight, were careless of taking the necessary quantity of provisions or of restricting the number of passengers to the convenience which their ships afforded. * * * In the year 1817, 5,000 had sailed for this country from Antwerp of whom 1,000 died on the voyage. In one instance a captain had sailed from a European port with 1,267 passengers. On his voyage he put into the Texel, previous to doing which 400 had died. After being on the passage to our shores, before the vessel arrived at Philadelphia, 300 more had died. The remainder, when the vessel reached Newcastle, were in a very emaciated state from the want of water and food, from which many of them afterward died.

Representative Newton stated the purpose of the bill was "to give to those who go and come in passenger vessels a security of comfort and convenience."

The bill contained provisions intended to regulate the number of passengers to be carried on each vessel and to provide for the sufficient and proper victualing of each vessel leaving a port in the United States for any port on the Continent of Europe. Each ship was limited to carry only two passengers to every 5 tons "of such ship or vessel's weight," but the ship's crew was not included in this count. Every ship or vessel leaving an American port was required to have on board for each passenger 60 gallons of water, 1 gallon of vinegar, 100 pounds of salted provisions, and 100 pounds of wholesome ship bread. The master of a ship was required to deliver to the collector of customs at the port of arrival a list or manifest of all passengers taken on board at a foreign port, showing the age, sex, and occupation of the passengers, the country to which they belonged, and the country of which they intended to become inhabitants. This marked the beginning of statistics on immigration to the United States.

From 1819 until 1835, no particular attention was paid to immigration, the plan of the Government evidently being neither to encourage it by special inducements nor to discourage it by legislation. The only departure from this rule was occasionally to furnish assistance to immigrants who, having arrived here with a view of forming settlements, had special need of assistance to carry their plans into effect. An example is the act of June 30, 1834,[41] which granted 36 sections of land in Illinois and Michigan to Polish exiles, providing they inhabited, cultivated, and paid the minimum price per acre for it. In this particular case, the Senate wanted to give them the land outright, but the House objected, claiming that it would be a discrimination against natives.

4. NATIVE AMERICAN AND KNOW-NOTHING MOVEMENTS

The thirties of the nineteenth century witnessed increased immigration to the United States from Ireland; with it the fire of racial and religious intolerance was rekindled. It was at that time that the Native American movement, followed by the Know-Nothing Party

[41] 4 Stat. 743.

and the American Protective Association was born. A large percentage of immigration during that period was Catholic and catholicism was in disfavor at the time. Anti-catholicism was the moving element in the antiforeign agitation. In several States, legislation against Catholics had been enacted. The Carolinas had a law preventing a Catholic from holding office and New Hampshire had a similar provision in her constitution.

The first actual anti-Catholic outbreak occurred in 1834, when the Ursuline Convent at Charlestown near Boston was burned. This hostility next took the form of a political movement, and in 1835, there was a Nativist candidate for Congress in New York City. In 1837, Nativist societies were formed in Germantown, Pa., and Washington, D. C.; and in Louisiana in 1839, where 2 years later a State convention was held at which the party was established as the American Republican Party. By 1845, the movement claimed 110,000 members, mostly in New York, Pennsylvania, and Massachusetts and had 6 representatives in Congress from New York and 2 from Pennsylvania.

The first national convention of Native Americans was held in Philadelphia in 1845, where 141 delegates adopted a national platform. The chief demands of the convention were a repeal of the naturalization laws and the appointment of only native Americans to office.

While these societies were stronger in local than in national politics and were organized chiefly to aid in controlling local affairs, their representatives in Congress attempted to make nativism a national question. As a result of their efforts, the Senate in 1836 agreed to a resolution directing the Secretary of State to collect certain information respecting the immigration of paupers and criminals.

In 1838 the House of Representatives agreed to a resolution which provided that the House Judiciary Committee consider the expediency and propriety of providing by law against the introduction into the United States of vagabonds and paupers deported from foreign countries. This resulted in the first congressional investigation of any question bearing on immigration. The committee reported to Congress and recommended immediate legislative action, not only by Congress, but also by many of the States, so that alleged evils could be remedied and impending calamities averted. No legislation was, however, enacted, and during the next 10 years, little attempt was made to secure legislation against the foreigner.

In a message to Congress in 1841, President Tyler referred to immigration, in part, as follows:

> We hold out to the people of other countries an invitation to come and settle among us as members of our rapidly growing family; and for the blessings which we offer them, we require of them to look upon our country as their country, and unite with us in the great task of preserving our institutions and thereby perpetuating our liberties.

As a consequence of the sudden and great increase of immigration from Europe between 1848 and 1850, the old dread of the foreigner was revived and the Native Americans again became active. This movement, like the earlier one, was closely associated with the anti-Catholic sentiment. The new organization assumed the form of a secret society. It was organized about 1850 in New York City and increased in membership in 1852 by drawing largely from the old estab-

lished Order of United Americans. Its meetings were secret, its endorsements were never made openly, and even its name and purpose were said to be known only to those who reached the highest degree. Consequently, the rank and file, when questioned about their party, were obliged to answer, "I don't know." They came, therefore, to be called the Know Nothings.

By 1854 much of the organization's secret character had been discarded. Its name, Order of the Star Spangled Banner, and its meeting places were known, and it openly endorsed candidates for office and nominated candidates of its own. By 1855 it had become quite successful in local and State politics. It is recorded that the legislatures and governors of seven of the States were Know Nothings.

Encouraged by its success in local affairs, the party began to make plans for the presidential election. It held a national council in Philadelphia in 1855 and adopted a platform which called for a change in existing naturalization laws, the repeal of several State laws which allowed unnaturalized foreigners to vote, as well as repeal by Congress of all acts making grants of land to unnaturalized foreigners and allowing them to vote in the Territories.

The following year, a national convention of the party was held in Philadelphia, where 27 States were represented by 227 delegates. The principles of the platform adopted were that Americans must rule America and to this end native-born citizens should be selected for all State, Federal, and municipal government offices and given employment in preference to all others. When a motion was made to nominate a candidate for President, nearly all of the delegates from New England, Ohio, Pennsylvania, Illinois, and Iowa withdrew. The withdrawing minority wanted an antislavery plank. Those remaining nominated Millard Fillmore who was also nominated by the Whig Party the following September. The Whigs did not, however, adopt the platform of the Know Nothings, but rather referred to its "peculiar doctrines." At the following election, Mr. Fillmore carried only one State.

The Know Nothing strength in Congress was greatest in the Thirty-fourth Congress (1855–57). Being a minority, however, the party had little influence on national legislation. It has been said that the Know Nothings disappeared without having accomplished anything against immigration, adopted citizens, or Catholics. As a matter of fact, there had been some national legislation favorable to foreigners passed during the period of their agitation. In 1847,[45] 1848,[46] and 1855,[47] the Passenger Act of 1819 [48] was amended further to protect immigrants from dangers incident to travel of that day. The Native Americans and Know Nothings were opposed to the amendments.[49]

In 1862 the Coolie Act,[50] prohibiting Americans from carrying on trade in coolies between China and the West Indies, and the Homestead Act,[51] permitting aliens who had filed their declarations of intentions to become naturalized to become eligible for homesteads, were passed.

[45] 9 Stat. 127–149.
[46] 9 Stat. 220.
[47] 10 Stat. 715.
[48] 3 Stat. 488.
[49] U. S. Immigration Commission, Report, 1911.
[50] 12 Stat. 340.
[51] 12 Stat. 392.

The principal immigration legislation of the period following the Know Nothing movement was the law of 1864.[52] This was the first time the Federal Government attempted to encourage immigration by direct legislation, although the States had frequently done so. It provided principally for the enforcement of contracts in which immigrants pledged the wages of their labor to repay expenses of emigration. In recommending the bill, the House committee said the vast number of laboring men, estimated at nearly 1.25 million, who had left their peaceful pursuits and gone forth in defense of the Government, had created a vacuum which was becoming seriously felt in every portion of the country.

Following enactment of this law, there were several companies established to deal in immigrant contract labor. The act was, however, repealed the same year by a clause in the Consular and Diplomatic Act.[53]

During the period between 1820 and 1880, more than 10,000,000 immigrants arrived in this country. From time to time, especially during periods of economic depression, there were movements to put some control on the enormous influx of immigrants. Some of the States passed local laws regulating the admission of aliens. The Supreme Court of the United States consistently held, however, that such laws were invalid as unconstitutional attempts to regulate foreign commerce.

5. FIRST RESTRICTIONS

The first restrictive legislation to be passed by Congress thereafter was the act of March 3, 1875,[54] which provided for inquiry by consular officers as to contracts of immigrants from China or Japan for service for lewd or immoral purposes; penalties for citizens of the United States transporting subjects of China or Japan without free consent for a term of service and made contracts for such service void; and penalties for contracting to supply coolie labor. The immigration of convicts and of women for purposes of prostitution was forbidden. The act required the inspection of vessels under the direction of the collector of the port and the issuance of a certificate of inspection, which specified whether or not any persons whose entry was forbidden were aboard.

The fight to control immigration continued. An act was passed in 1882 [55] to exclude paupers and criminals. It also provided for a duty of 50 cents to be levied on each alien passenger who arrived on boats sailing from foreign ports to the United States. The duty was to be paid to the collector of the port and deposited into the Treasury to the credit of the "immigration fund," which was to be used to defray the expenses of examination of passengers on arrival for the purpose of excluding any convict, lunatic, idiot, or any person unable to take care of himself without becoming a public charge. Expense of return of any such person was to be borne by the owners of the vessels.

Although political relations of the United States with China date back to 1844, the first treaty in which the emigration of the inhabi-

[52] 13 Stat. 385.
[53] 15 Stat. 56.
[54] 18 Stat. 477.
[55] 22 Stat. 214.

tants from one country to another was considered was the Burlingame Treaty, proclaimed July 28, 1868. The pact recognized the inherent and inalienable right of man to change his home and allegiance, as well as the mutual advantage to both countries of the free migration and emigration of their citizens and subjects for the purposes of curiosity, trade, or becoming permanent residents. Any other than an entirely "voluntary emigration" was prohibited.

Because of the tremendous influx of Chinese immigrants (200,000 from 1850 to 1880) following the discovery of gold in California, Congress, in 1882, enacted the first of the Chinese Exclusion Acts.[56] The act executed certain stipulations of a treaty with China dated November 17, 1880, and provided for suspension of immigration of Chinese laborers to the United States for a period of 10 years. However, Chinese laborers who were in the United States on November 17, 1880, were given the privilege of departure and reentry into the country. Chinese found not to be lawfully entitled to be or remain in the United States were ordered deported. The act also barred Chinese from being admitted to citizenship.

In 1884, Congress passed another act affecting the Chinese. The act of May 16, 1882, was amended by extending the suspension of immigration of Chinese laborers an additional 10-year period, and extended the application of the law to all subjects of China and Chinese, whether subjects of China or of any other foreign power.

The next restrictive immigration measure was the alien contract labor law,[57] which became effective February 26, 1885, and was aimed at the practice of certain employers importing cheap labor from abroad. This importation practice began in 1869. Advertisements were printed offering inducements to immigrants to proceed to this country, particularly to the coal fields, for employment. Many advertisements asserted that several hundred men were needed in places where there were actually no vacancies. The object was to oversupply the demand for labor so that the domestic laborers would be forced to work at reduced wages.

These abuses came to the attention of Congress about 1884. The House Committee on Labor found that the evils complained of by labor organizations existed to an alarming extent.

The alien contract labor law made it unlawful to import aliens or assist in importation or migration of aliens into the United States, its Territories, or the District of Columbia under contract, made previous to the importation or migration, for the performance of labor or service of any kind in the United States. The law made such contracts void and provided certain penalties. Exception was made of foreigners temporarily residing in the United States, skilled workmen for any new industry not established in the United States and artists, lecturers, and servants. The act was amended in 1887 [58] by charging the Secretary of the Treasury with the duty of execution of the law and by providing changes in the procedure for enforcement, and again in 1888 [59] to provide for return of immigrants illegally landed and to provide for allowances to informers of violation of immigration laws.

On March 12, 1888, another act was passed affecting Chinese, executing certain stipulations of a later treaty with China (dated

[56] 22 Stat. 58.
[57] 23 Stat. 332.
[58] 24 Stat. 414.
[59] 25 Stat. 566.

March 12, 1888). This act prohibited any Chinese, whether a subject of China or of any other power, from entering the United States. Chinese officials, teachers, students, merchants, and travelers for pleasure or curiosity were excepted. Reentry of Chinese laborers who had left the United States was, with minor exceptions, prohibited. Chinese or persons of Chinese descent found unlawfully in the United States or its Territories were to be deported to the country from whence they came. The acts of 1882 and 1884 were repealed effective upon the ratification of the pending treaty. Legislation of October 1, 1888,[60] took away from Chinese laborers the right of reentry to the United States, unless they had reentered prior to the effective date of the Act.

The Chinese exclusion law was extended again in 1892 [61] and 1902,[62] and in 1904 [63] it was extended without limitation.

On December 17, 1943, all the Chinese exclusion laws were repealed and the Chinese made eligible for immigration and naturalization. A quota for Chinese persons, which is now 105, was established.[64]

In 1891, an act was passed [65] which added to the list of excludables, idiots, insane persons, paupers or persons likely to become public charges, persons suffering from a loathsome or dangerous contagious disease, felons, persons convicted of other infamous crimes or misdemeanors involving moral turpitude, polygamists, aliens assisted by others by payment for passage, and contract laborers who had been embraced by the act of February 26, 1885.[66] Persons convicted of political offenses were excepted from the provisions excluding criminals. Transportation companies were prohibited from soliciting immigration. The act provided penalties for persons aiding in the landing or bringing into the United States of illegal aliens. It created the office of Superintendent of Immigration and provided for inspection of immigrants on arrival, medical examination, and return of unlawful immigrants.

The law of 1891 followed the heavy flow of immigration during the eighties which resulted in a general sentiment throughout the country that something should be done to check foreigners from coming in such numbers.

6. CONGRESSIONAL INVESTIGATIONS

On July 12, 1888, the House of Representatives passed a resolution authorizing the appointment of a select committee to investigate the immigration situation. The committee, known as the Ford committee, reported that there were thousands of alien paupers, insane persons, and idiots landing in this country annually who became a burden upon the States, and that many of them were assisted in emigration by the officials of the country from whence they came. The committee also reported that the laws of 1882 excluding convicts had been and was being repeatedly violated to such an extent that remedial legislation was imperative.

On December 12, 1889, a standing Committee on Immigration was established in the Senate, and on December 20 a Select Committee on

[60] 25 Stat. 504.
[61] 27 Stat. 25.
[62] 32 Stat. 176.
[63] 33 Stat. 394, 428.
[64] 57 Stat. 600.
[65] 26 Stat. 1084.
[66] 23 Stat. 332.

Immigration and Naturalization was established in the House of Representatives.

In March 1890, the House concurred in a resolution authorizing an investigation of the laws on immigration. The committee which made the investigation filed reports showing that large numbers of aliens were being landed every year in violation of the act of 1882, that the contract-labor law was found to be generally evaded, that agents were sent to Europe to arouse interest in America by circulating glowing descriptions of wages paid here, that steamship companies had large numbers of agents soliciting passengers in Europe, and that immigration through Canada was a problem since 50,000 Europeans had gained entrance to the United States by this route. The committee presented a bill which became the act of 1891.[67]

The industrial depression following shortly after the passage of this act brought renewed efforts to restrict immigration. Both the Republican and Democratic Parties adopted planks favoring further restriction of immigration in their 1892 conventions.

In 1892 the Congress again created a joint committee to investigate the immigration laws. Bills embodying the recommendations of the committee were introduced and, although the Senate bill was passed without debate, the House took no action.

The Senate thereupon passed a resolution authorizing another investigation, the result of which was reported to the next session with two accompanying bills, one of which proposed the first educational test as a means of restriction. The investigation resulted in passage of the act of 1893,[68] which required manifests on incoming passengers and more detailed checking procedure on inspection and on bonds.

Less than 5 weeks after the approval of the act of 1893, the Senate passed another resolution providing for an investigation into the condition and character of alien immigrants coming into the United States to supply labor to the mines of the country and an inquiry as to whether the laws against the admission of laborers under contract were effectually enforced. No legislation resulted from this investigation.

About this time, the "native Americanism" philosophy arose again in the form of the American Protective Association, a phase of the old "Know Nothing" movement. It was a secret organization, and like the earlier one, was formed for the purpose of creating pressure in elections. The reasons for its formation were stated by its president as follows:

1. That the spirit of the National Constitution was being violated in various ways by certain persons and bodies in the United States.
2. That certain members and sections of the National Government were in connivance with the said violators.
3. That the conditions governing our national immigration were such as to weaken our democratic institutions and form of government and to substitute therefor a system of government not in harmony therewith.
4. That the immigrant vote, under the direction of certain ecclesiastical institutions, had become so dominant a factor in politics as to virtually control it.
5. That this domination had resulted in political prostitution, corruption, and favoritism of the worst kind.
6. That the great majority of the American people, while painfully cognizant of the sinister and debasing results of these conditions, and desirous of amending

[67] 26 Stat. 1084.
[68] 27 Stat. 569.

them, were either ignorant of any efficient means of counterorganization, or fearful of their personal interests at the hands of their powerful and organized opponents.

Until 1893, the membership of the APA, as it was commonly known, never exceeded 70,000, but in the two following years it became firmly established and, according to its president, was instrumental in overturning the entire political machinery in about 15 States. In 1896 the association claimed a membership of nearly two and a half million and it seemed probable that the organization would grow in influence and power. In reality, however, it never went beyond the agitational stage.

7. VOLUME OF IMMIGRATION CONTINUES

Though ways of controlling the volume of immigration were discussed and restrictive legislation passed, the volume of immigration remained consistently high. From 1875 to 1903 immigration totaled 11,383,731 persons.

On March 3, 1903, another act, designed primarily to codify existing law, was passed.[69] It also contained some restrictive provisions, providing for an increase in head tax to $2 on all passengers upon arrival at United States ports who were not citizens of the United States, Canada, Cuba, or Mexico and adding to the excludable classes epileptics; persons who had been insane within 5 years prior to application for admission; persons who had had two or more attacks of insanity; professional beggars; anarchists; persons who believed in or advocated the overthrow, by force and violence, of our Government, or of all government or forms of law, or the assassination of public officials; and prostitutes and procurers. Advertising to encourage immigration of alien labor was prohibited. The act further provided for inspection by immigration officers on shipboard; deportation, within 2 years after arrival, of ineligible aliens, and return of illegally entered aliens in 3 years. It also contained lengthy provisions for administration and enforcement.

8. THE IMMIGRATION ACT OF 1907

Immigration grew rapidly in the early part of the twentieth century. In 1905 alone, over 1,026,000 aliens were admitted to the United States. Demands for restrictive and selective legislation were increased. The increase in Japanese immigration aroused resentment and exclusion bills were introduced in Congress. These bills led to vigorous protests from Japan and strenuous opposition from President Theodore Roosevelt, who recommended the passage of an act providing for naturalization of the Japanese.

The Immigration Act of 1907 followed, authorizing the President to enter into international agreements to regulate immigration.[70] Pursuant to this act, the President, Theodore Roosevelt, concluded with Japan a "gentlemen's agreement" in 1907 which limited the volume of entries of Japanese laborers.

The Immigration Act of 1907 also increased the head tax on passengers to $4 and added to the excludables imbeciles, feeble-minded persons, persons with physical or mental defects which may affect their ability to earn a living, persons afflicted with tuberculosis, children un-

[69] 32 Stat. 1213.
[70] 34 Stat. 898.

accompanied by their parents, persons who admitted commission of a crime involving moral turpitude, and women coming to the United States for immoral purposes. The act also created a Joint Commission on Immigration to make full inquiry, examination, and investigation into immigration. The Commission's reports, published in 1911, paved the way for the Immigration Act of 1917 which, with amendments, is still in force.

On March 26, 1910, an act was passed amending the 1907 law to provide wider latitude for the exclusion of idiots, insane persons, criminals, polygamists, anarchists, prostitutes, contract laborers, immigrants assisted by others to come to this country, and unaccompanied children under 16 years of age.[71]

On June 25, 1910, an act, known as the White Slave Traffic Act, was passed for the suppression of such traffic in interstate and foreign transportations.[72] The act designated the Commissioner General of Immigration as the authority of the United States to receive and centralize information concerning the procuration of alien women and girls with a view to their debauchery.

9. THE IMMIGRATION ACT OF 1917

During World War I opposition to free immigration gained momentum. There was particular hostility to immigration from the south and east of Europe, which had been progressively increasing, on the ground that this influx of new immigrants consisted of illiterates and racially unassimilables who would lower American standards.

Congress, on February 5, 1917, passed the basic existing immigration act,[73] which codified all the previous provisions excluding aliens; repealed all inconsistent prior acts and added to the inadmissible classes aliens who are illiterate, persons of constitutional psychopathic inferiority, men, as well as women, entering for immoral purposes, chronic alcoholics, stowaways, vagrants, and persons who had one previous attack of insanity.

One of the most controversial provisions of the 1917 act was the exclusion of aliens over 16 years of age who are unable to read. It raised a storm of protest and the debates in Congress centered on the literacy provision, a subject which had been a controversial question for a number of years.

Since 1896 there had been several bills introduced for a literacy test. President Cleveland and President Taft each vetoed a bill and President Wilson vetoed two. However, the strong feeling for restriction led to passage of the final bill over President Wilson's second veto.

Another part of the 1917 act laid down further restrictions by declaring inadmissible natives of parts of China, all of India, Burma, Siam, the Malay States, a part of Russia, part of Arabia, part of Afghanistan, most of the Polynesian Islands, and the East Indian Islands. The act defined a geographical section called the barred zone, described by degrees of latitude and longitude. Excepted by a box cut out of the area were natives of Persia, and natives of part of Afghanistan and of part of Russia. The purpose of the "barred zone" provision was primarily to exclude Hindus and make exclusion of Asiatics more complete. The act also made radical changes in re-

[71] 36 Stat. 263.
[72] 36 Stat. 825.
[73] 39 Stat. 874.

quiring the deportation after entry in an extensive class of cases and in permitting deportation without time limitation in certain cases.

There were two acts passed in 1918 as war measures. The act of May 22, 1918,[74] authorized the President to control the departure from and entry into the United States, in time of war or national emergency, of any persons whose presence was deemed contrary to public safety. The act of October 16, 1918,[75] related to the exclusion and expulsion of anarchists and other radical aliens.

On May 10, 1920,[76] an act was passed for deportation of alien enemies and aliens convicted of violation or conspiracy to violate various enumerated war acts. The act provided that deportations be made upon warrant of the Secretary of Labor, in accordance with the Immigration Act of 1917. At that time, the Immigration and Naturalization Service was under the jurisdiction of the Secretary of Labor. On June 5, 1920,[77] the act of 1917 was amended to provide for admission of some illiterates on request of citizens having served in the armed forces during World War I.

10. THE QUOTA LAW OF 1921

Immediately after World War I, the Sixty-fifth Congress, third session (December 1, 1918, to March 4, 1919), gave considerable attention to the question of immigration restriction. Many bills were introduced and several hearings were held. A bill was reported favorably out of the House Committee on Immigration to prohibit immigration for 4 years. The House Calendar was so congested, however, that the bill was not debated and failed of enactment.

During the Sixty-sixth Congress (May 19, 1919, to June 5, 1920), a number of bills to prohibit immigration for various periods were introduced. The House passed one (H. R. 14461) to prohibit immigration for 2 years. Blood relatives of citizens were excepted.

The Senate Committee on Immigration, after extensive hearings, substituted a bill (S. 4627) which restricted immigration to 3 percent of the foreign-born population in the United States in 1910. The House and Senate finally accepted that bill, with some amendments, by overwhelming votes of 62 to 2 in the Senate and 295 to 41 in the House. On February 26, 1921, it went to President Wilson, who killed it by pocket veto.

Reports of congressional committees during the years 1918 to 1924 show a succession of conditions very similar to the conditions facing the Congress during the present postwar period.

There were many thousands of victims of the ravages of war in Europe. There were poverty, distress, hunger, and disease everywhere, as well as disturbances and confusions among the populations of the new governments created within the territory of the old nations. It was estimated that between 2,000,000 and 8,000,000 persons in Germany alone wanted to come to the United States. A congressional committee confirmed a published statement of a commissioner of the Hebrew Sheltering and Aid Society of America that—

> If there were in existence a ship that could hold 3,000,000 human beings, the 3,000,000 Jews of Poland would board it to escape to America.

[74] 40 Stat. 559.
[75] 8 U. S. C. 137.
[76] 41 Stat. 593.
[77] 41 Stat. 981.

Fraudulent passports were being issued and fraudulent entry documents were sold. Even fraudulent steamship tickets were sold to the desperate population of many countries in Europe.

The United States was faced with the problems of unemployment and housing. Labor had left the farms during the war for industrial centers and had not returned, and an estimated shortage of 4,000,000 farm laborers existed.

The House Committee on Immigration pointed out that immigrants from Europe to this country were not going to the farms. Only 2.8 percent of the immigration in 1920 purported to be "farmer." Past experience had shown that the immigrants inevitably flocked to centers where their compatriots had already congregated. Furthermore, the American farmers did not want this immigration. At a national congress of farmers in Ohio in November 1920, a resolution was unanimously adopted stating that the organization was unalterably opposed to the proposed diversion and distribution of aliens over the farming districts until immigration was rigidly restricted.

According to the House committee, the economic aspects of immigration alone called for the passage of restrictive legislation. It was also said that to allow great portions of the discontented to enter our country would cause discontent here and that it also would not aid in the reconstruction of Europe.

The House Committee on Immigration, in its report on the bill that later became the quota law of 1921, reported:

> There is a limit to our power of assimilation. A speaking and reading knowledge of English is the key to assimilation. The processes of assimilation and amalgamation are slow and difficult. With the populations of the broken parts of Europe headed this way in ever-increasing numbers why not peremptorily check the stream with this temporary measure, and in the meantime try the unique and novel experiment of enforcing all of the immigration laws on our statutes?

There was the usual opposition to the quota law of 1921 and the House committee minority stated its views in the report. The minority minimized claims made by the majority with regard to housing, disease, unemployment, and business conditions and claimed that most of the immigration at the time was made up of persons coming to join relatives who had preceded them.

The Sixty-seventh Congress passed the first quota law, which was approved on May 19, 1921,[78] limiting the number of any nationality entering the United States to 3 percent of foreign-born persons of that nationality who lived here in 1910. Under this law, approximately 350,000 aliens were permitted to enter each year, mostly from northern and western Europe. The law expired by limitation on June 30, 1922, but was extended for 2 years by the act of May 11, 1922.[79]

During the time this law was in effect, the move to curtail immigration was gaining momentum and consideration was given to legislation to be put into effect upon its expiration in 1924.

According to the House committee's report of February 9, 1924:

> There is an immediate and urgent need for enactment of immigration legislation.
>
> This need arises by reason of the fact that the act of May 19, 1921, as amended and extended by the act of May 11, 1922, popularly known as the "3-percent law", expires June 30, 1924.
>
> The committee is advised that the number of aliens desiring to enter the United States is very large. It is reasonable to assume that, despite unfavorable

[78] 42 Stat. 5.
[79] 42 Stat. 540.

exchange rates, high steamship tariffs, and other untoward factors, an immigration of between 1,500,000 and 2,000,000 would have entered the United States during each of the past 2 years if the 3-percent law had not barred the way.

If the 3-percent law is permitted to expire, and if no other legislation is enacted, the movement to our shores of the largest migration of peoples in the history of the world may be expected to begin on July 1, 1924. The exclusion clauses of the act of February 5, 1917, will be powerless to stay the tide.

Such a situation should not be permitted to arise. The country demands a restriction of immigration. The public demand is not only for restriction but for more rigid and more effective restriction than that imposed at present under the temporary 3-percent law.

The minority filed a report submitted by Representative Sabath. It contained a blistering condemnation of the bill as reported, particularly that part which took the foreign-born residents of 1890 as a basis for the quota, rather than the latter census of 1910 or the census of 1920.

The tone of the minority report is reflected in the following statement:

It is curious to note that, taking the census of 1890 as a basis, Germany would be comparatively in the most favorable position, and Belgium, Bohemia (Czechoslovakia), Yugoslavia, Poland, and Russia, with whom we were allied during the late conflict, in the most unfavorable.

The obvious purpose of this discrimination is the adoption of an unfounded anthropological theory that the nations which are favored are the progeny of fictitious and hitherto unsuspected Nordic ancestors, while those discriminated against are not classified as belonging to that mythical ancestral stock. No scientific evidence worthy of consideration was introduced to substantiate this pseudoscientific proposition. It is pure fiction and the creation of a journalistic imagination. * * *

The majority report insinuates that some of those who have come from foreign countries are nonassimilable or slow of assimilation. No facts are offered in support of such a statement. The preponderance of testimony adduced before the committee is to the contrary. What is meant by assimilation is difficult of definition.

11. THE QUOTA LAW OF 1924

The House Committee on Immigration favorably reported a bill (H. R. 6540) and recommended its passage on February 9, 1924. Secretary of State Hughes transmitted to the committee a letter making suggestions, chiefly with respect to provisions for the protection of treaties affecting immigration and particularly with reference to agreements with Japan. This letter was followed by an exchange of correspondence between the Secretary of State and the committee resulting in so many changes that a new bill was introduced (H. R. 7995), which, with amendments, became law on May 26, 1924.[80]

The background of the issues presented by the Secretary of State are as follows:

The Immigration Act of 1907 enabled the President to refuse immigration to certain persons when he was satisfied that such immigration was detrimental to labor conditions here. This act was a result of the growing alarm, particularly on the Pacific coast and in States adjacent to Canada and Mexico, that labor conditions would be seriously affected by a continuation of the then existing rate of increase in admission of Japanese laborers.

The Japanese Government opposed the emigration to the continental United States of its subjects, but it had been found that pass-

[80] 43 Stat. 153.

ports entitling them to go to Hawaii, Mexico, or Canada were being used to gain entry into the United States.

On the basis of the 1907 law, the President on March 14, 1907, issued a proclamation excluding from the continental United States "Japanese or Korean laborers, skilled or unskilled, who had received passports to go to Mexico, Canada, or Hawaii and come therefrom."

The House committee reported that a "gentlemen's agreement" with Japan existed in the form of a series of correspondence in 1907 and 1908. It was believed that the only published departmental statement on the agreement was in the annual report of the Commissioner General of Immigration for 1908:

> Department circular No. 147, dated March 20, 1907, which has been continued in force as rule 21 of the immigration regulations of July 1, 1907, outlined the policy and procedure to be followed by the immigration officials in giving effect to the law and proclamation.
>
> In order that the best results might follow from an enforcement of the regulations, an understanding was reached with Japan that the existing policy of discouraging emigration of its subjects of the laboring classes to continental United States should be continued, and should, by cooperation of the Governments, be made as effective as possible. This understanding contemplates that the Japanese Government shall issue passports to continental United States only to such of its laborers as are * * * "former residents," "parents, wives, or children of residents" and "settled agriculturists."

The "agreement" was given some strength later by the Ambassador from Japan who attached to the 1911 commercial treaty with Japan the following note:

> In proceeding this day to the signature to the treaty of commerce and navigation between Japan and the United States the undersigned, Japanese Ambassador in Washington, duly authorized by his Government, * * * are fully prepared to maintain with equal effectiveness the limitation and control which they have for the past 3 years exercised in regulation of the emigration of laborers to the United States.

The committee felt justified in offering a provision that persons ineligible to citizenship, including the Japanese, shall not be admitted as "immigrants."

Considerable opposition was expressed by Japan but no other nation affected thereby made any protest. The Secretary of State objected that it was in conflict with the "gentlemen's agreement" and with the treaty of 1911. The committee felt that the modifications of the law making exception to those coming solely for trade purposes was satisfactory so far as conflict with the "gentlemen's agreement" was concerned. The committee said it was handicapped in reaching a conclusion because a lack of information on the exact provisions of the agreement since the correspondence between Japan and the United States had not been made public or made available to the committee without permission of Japan.

The committee reported that it was a curious fact that the Department of Labor, having charge of immigration "is not in possession of the 'gentlemen's agreement' and never has been supplied with the same."

The committee pointed out that the "gentlemen's agreement" was made with the real intent of restricting Japanese immigration. Japan was to prevent the coming of her people to the continental United States so that the Japanese population here would not increase. President Roosevelt had explained that an increase of Japanese in this country, with their advantages in economic competition and

general unassimilability, would be certain to lead to racial strife and possible trouble between the United States and Japan.

The committee stated, however, that the purposes of the agreement had not been accomplished but that the Japanese population of the continental United States had materially increased during the operation of the agreement, partly by direct immigration, partly by birth, and doubtless also by surreptitious entry.

Information received by the committee showed that thousands of Japanese women came into the United States as laborers and had performed the double duty of field laborers and mothers of families which averaged five children. Thousands more leaving Japan with passports for South America had worked their way through Mexico and the Imperial Valley in California.

The United States had acquired more Japanese than any other English-speaking country in the world during the life of the "gentlemen's agreement" and the committee concluded that a continuation of this increase would be contrary to the interests of both nations.

It was suggested that Japan should be placed under quota rule, since the census of 1890 would reduce Japanese immigration to a minimum. Although it was believed that this solution would be acceptable to Japan, the committee objected vigorously to this plan, because it would at once place Japan's nationals in the United States in conflict with our naturalization laws and would discriminate in favor of the Japanese as against all other Asiatic races ineligible to citizenship.

The committee stated that in considering this feature of the bill (exclusion of aliens ineligible for citizenship) and Japan's protests, it should be borne in mind that, while we seek only to protect our citizens in this matter against the influx of unassimilable aliens ineligible to citizenship and are not discriminating against Japan in the matter, Japan herself, in the exercise of similarly wise protection for her own people, excluded the Chinese and Koreans and thereby discriminated against people of her own color in both cases, and against the people of one of her Provinces in one case.[81]

The committee reported that it would appear from these facts that the United States has been grossly lax in permitting the increase in her territory of an unassimilable population ineligible for citizenship and that she has deferred too long the adoption of remedial measures. Accordingly, the section excluding citizens ineligible for citizenship (with certain exceptions) was retained in the bill.

In addition to the exclusion of those ineligible to citizenship, the bill established the requirement for immigration visas issued by American consuls abroad, changed the quota basis from 1910 to 1890, reduced the quotas from 3 to 2 percent, provided for the establishment of permanent quotas on the basis of national origin, and placed the burden of proof on the alien with regard to his admissibility and the legality of his residence in the United States. It also preserved the

[81] It might be pointed out also that the problem of Japanese immigration was also faced by the British Empire. Great Britain many years earlier had made a treaty with her ally, Japan, whereby the nationals of Japan were to have favored consideration for residence and citizenship in all the dominions of the Empire, but with the proviso that any dominion could reject this arrangement by notice before the treaty became effective. South Africa, Australia, and New Zealand promptly gave the necessary notice and provided by various methods for absolute exclusion of Japanese immigration, an action which Japan has never protested. Canada failed to take similar action but later sought to remedy the omission by a "gentlemen's agreement" with Japan, limiting yearly admissions from Japan to 400. This agreement did not work satisfactorily and the Dominion Parliament in May 1922, requested the Government to take immediate action to exclude further oriental immigration.

Immigration Act of 1917, which was primarily an act setting forth grounds for exclusion.

There was considerable objection to basing the quotas on the 1890 census, which had the effect of reducing immigration from southern and eastern Europe from 44.6 to 15.3 percent of the total. Secretary of State Hughes stated that this would be likely to offend Italy, Rumania, and other countries which considered the legislation "as an unjust discrimination, *de facto* if not *de jure*, enacted to the detriment of a friendly nation."

In the hearings preceding the debates in Congress, feeling had rather well crystalized that immigration should be restricted by some sort of quota system. The arguments were centered around the census year upon which a quota should be based. Those who wished to restrict immigration from southern and eastern Europe favored taking the census of 1890, since most immigration from southern and eastern Europe came in after that date. Those favoring immigration from southern and eastern Europe wanted the 1920 census as a basis, so that the quotas would reflect the increased numbers of foreign-born from that area. It should be kept in mind that all during the hearings on immigration bills—during the winter and early spring of 1923–24—the quota system then under discussion contemplated basing the quotas on a percentage of foreign-born in the United States on a given date, say, 1890, 1910, or 1920.

The House Committee on Immigration and Naturalization, in reporting the decision by the committee to limit admission of "quota immigrants" to 2 percent based on census of 1890, instead of 3 percent based on the census of 1910, stated that it was necessary to the successful future of our Nation to preserve the basic strain of our population (report to accompany H. R. 7995, 68th Cong., pp. 13–14):

> Since it is the axiom of political science that a government not imposed by external force is the visible expression of the ideals, standards, and social viewpoint of the people over which it rules, it is obvious that a change in the character or composition of the population must inevitably result in the evolution of a form of government consonant with the base upon which it rests. If, therefore, the principles of individual liberty, guarded by a constitutional government created on this continent nearly a century and a half ago, is to endure, the basic strain of our population must be maintained and our economic standards preserved.
>
> With the full recognition of the material progress which we owe to the races from southern and eastern Europe, we are conscious that the continued arrival of great numbers tends to upset our balance of population, to depress our standard of living, and to unduly charge our institutions for the care of the socially inadequate.
>
> If immigration from southern and eastern Europe may enter the United States on a basis of substantial equality with that admitted from the older sources of supply, it is clear that if any appreciable number of immigrants are to be allowed to land upon our shores the balance of racial preponderance must in time pass to those elements of the population who reproduce more rapidly on a lower standard of living than those possessing other ideals.
>
> We owe impartial justice to all those who have established themselves in our midst. They are entitled to share in our prosperity. The contribution of their genius to the advancement of our national welfare is recognized. On the other hand, the American people do not concede the right of any foreign group in the United States, or government abroad, to demand a participation in our possessions, tangible or intangible, or to dictate the character of our legislation.
>
> How can we frame a restrictive immigration law to meet these conditions?
>
> The adoption of the 1890 census will accomplish an equitable apportionment between the emigration originating in northwestern Europe and in southern and eastern Europe, respectively. This principle has been embodied in the bill

presented by your committee. Late arrivals are in all fairness not entitled to special privilege over those who have arrived at an earlier date and thereby contributed more to the advancement of the Nation.

The issue was carried to the floor of Congress. The national origins system was first proposed by Representative John Jacob Rogers, of Massachusetts, on April 11, 1924, as an amendment to the immigration bill then under consideration by the House.[82] The system was to be based not on the number of foreign-born residents in the country but on the "national origins" of the people comprising the entire United States population in a given year. The year proposed was 1920 and this date was retained when the national origins system was finally enacted into the act of May 26, 1924. However, the proposal was voted down several times in the House of Representatives without a record vote and the bill passed that body without the national origins provision. It was inserted in the Senate and retained in conference. The House finally accepted the bill with the national origins feature.

The second time Representative Rogers offered his amendment to incorporate the national origins system in the pending legislation, on April 12, 1924, he made a statement on the basic philosophy underlying his proposals to base immigration quotas on a percentage of national origins. On the floor of the House, Mr. Rogers stated (65 Congressional Record, p. 6226):

> My objection both to the committee proposal carried in section 10 and to the minority proposal advanced as a substitute for section 10, as well as to the proposal advanced by the gentleman from New York [Mr. Jacobstein], yesterday on the chart which was furnished us all, is that they all base quotas on foreign-born in the United States and upon no one else. There are about 80,000,000 American-born in the United States, as I recall, and about 20,000,000 or 25,000,000 foreign-born. Why in the world in a matter of this moment we should establish our immigration policy upon the basis of the foreign-born alone I cannot for the life of me understand. I am not suggesting that we should not with propriety consider the foreign-born here as one element in determining the quotas. I do mean to insist that we are entitled to consider those of us who were born here as another element in determining the quotas. But no plan except the "national origins" plan recognizes this elementary point. I do not know how many men of foreign birth there are in this House. However many there are, I am sure they are as patriotic and efficient citizens as those of us who are American born, but no more so. Let us assume there are 10 men of foreign birth in this House. Is there any reason that occurs to any man here why the other 425 of us should be excluded altogether in making up a quota? Why the quotas of immigration and why those born here in this country should be superciliously disregarded is altogether beyond me. I simply cannot understand the reasoning.

Continuing, Representative Rogers stated:

> The national origins plan vaults completely over the controversy as to whether the admission quota should be based on the census of 1890 or on that of 1910 and lands upon broader grounds where larger considerations come into play. My plan, based on the foreign-born population as disclosed by any census, is indefensible. The same argument must be urged against the proposal that we take all four of the most recent censuses, average the foreign-born, and base the quota upon the average. The general principle is fallacious. It is certainly an attractive proposition that we should instead proportion our admission of immigrants, not to the numbers of racial or national representatives composing the alien colonies or foreign groups now in the country but to the quantities of the various racial and national elements which have passed the refining test of the melting pot and have become amalgamated in the structure of the American Nation.

[82] Congressional Record (68th Cong., 1st sess.), pp. 6110–6111.

Debate in the Senate on the immigration bill began on April 2, 1924. Amendments were proposed on the floor (the national-origins feature among them) and the general debate went on intermittently for several weeks.

On April 3, 1924, Senator Reed of Pennsylvania, speaking in the Senate, stated (65 Congressional Record, p. 5460):

It is not possible to understand the immigration problem without having some understanding of the immigration that has come to this country since the discovery of America. Most of us have the impression that the flow of immigrants into the United States was very considerable prior to the American Revolution, but that impression is clearly wrong. There were only 80,000 immigrants into the present area of the United States within the first two centuries and a half after America was known. Yet that was a very sturdy stock. These 80,000 immigrants grew by natural processes to 1,000,000 persons in 1740. There was not much immigration from then on until 1790, although we did receive a considerable number of so-called Scotch-Irish, who were mostly border Scotchmen and Englishmen who had temporarily settled in Ireland, and then came to the United States. Prior to the Revolution there was a considerable immigration of those people. When the first census was taken in 1790 there were then in the United States 3,929,214 persons. Most of them were the descendants of those original 80,000 immigrants; and the remainder of them were immigrants who had come in, almost entirely from Great Britain, in the two or three decades before the War of the Revolution. So that the 3,900,000 persons living in the United States in 1790 were almost entirely of British or Irish origin. There were a few from the Rhenish provinces of Germany, there were a few French, and a very few Spanish, but practically speaking, our population in 1790 was British and Irish. It was almost exclusively Nordic, as that term is used today in speaking of the division of the European peoples.

From that original group of 3,900,000 persons, who were here in 1790, there was developed about half of our present population. The Census Bureau has estimated recently that there are in the United States today the descendants of those original inhabitants at the time of the Revolution to the number of 45,000,000 persons. * * *

We know that our population in 1790, by the excess of births over deaths, was doubling every 22 years. We have that factor of certainty on which we may work. We know that some of the late comers among our immigrants have increased more rapidly than that, but all that has been worked out by the Census Bureau. That Bureau has made a very complete study of the question, and the figures which I have given, showing 47,000,000 of our present white population as being the descendants of that original native stock, are accurate within 1 or 2 percent, anyway.

On the same day, Senator Reed made these further observations (ibid., p. 5461):

Of the whole population of the United States, according to the last census, it is estimated that, including Negroes, 74 percent is of northwestern European origin. Excluding the Negroes, the percentage would be about 80. Of the present population 13 percent of the whole number, including Negroes, came from southern and eastern Europe; that is, from Russia, Poland, the Balkan countries, Turkey in Europe, Italy, and Spain. Thirteen percent of our whole 105,000,000 had a national origin in southern and eastern Europe, and 3 percent, the remainder, have an origin that is either Asiatic or white African, or from some other source. That, I think, is important to be borne in mind when we come to consider the distribution of the quotas and the matter of fairness to one nationality over another.

In discussing the working of the temporary quota law of 1921, Senator Reed stated (ibid., p. 5464):

When that quota law was enacted immigration was coming in a tremendous volume from southern and eastern Europe, and the quotas assigned to the southern and eastern European nations were immediately taken. They sent their full quota in the first two years that the law was in force. The northern and western European countries did not. The German quota was not half taken in the first year, and the British quota was not taken. It looked as though the effect of the

quota law was going to be to shut off the southern and eastern European countries, while northern and western Europe was shut off by its own disinclination to come. Then began to have their effect these motives and forces leading to emigration from all the European countries. In the fiscal year that ended July 1, 1923, the British quota was completely taken. In the present fiscal year the British quota was taken in the first 5 months of the year, which is as rapidly as we permit it to be used up.

In discussing the basis on which the 1921 quota law was laid, Senator Reed stated (ibid., p. 5467):

It seems to me that the method we adopted in our law of 1921 of basing the quotas on the foreign-born who were here in 1910 has this element of unfairness of it: That it disregards entirely those of us who are most interested in keeping American stock up to the highest standard—that is, the people who were born here. Surely it is fair to say that we who are native citizens of America are at least as much interested in America's welfare as our recent arrivals. Yet our present quota law disregards us entirely in making up the quotas. I wonder if I make that clear, because it seems to me it is the fundamental idea which it is necessary to have in judging this whole quota dispute. The present quotas are made up on the basis of the foreign-born residents of the United States, and they disregard entirely the 80 percent of us who were born in this country. Nobody considers the American-born in determining what the quota shall be, and that is where the trouble comes in.

If you take the figures of our foreign-born in 1910, you find that one in every seven was either a Russian or a Pole, and therefore, of course, the result is that one-seventh of our whole immigration quota goes to Russia and Poland. But that is obviously unfair to the American-born, because one-seventh of our whole population is not Russian or Polish. You see that the discrimination comes not in the proposed changes in the quota law but the discrimination was made when the original quota law of 1921 disregarded all the American-born in fixing the amounts of the quotas. What we want to do is to correct that discrimination and make a quota law that is nondiscriminatory. We do not want to discriminate against some nation, but we do want to end the discrimination that now obtains.

On that same day, Senator Reed inserted as a part of his remarks a speech by Henry H. Curran, Commissioner of Immigration at Ellis Island, before the Economic Club, March 25, 1924, in which Mr. Curran had made this observation (ibid., p. 5475):

The third outstanding feature of the law will center about the question of whether we shall take more immigrants from northwestern Europe and fewer from southern and eastern Europe, or vice versa. As to this there is a hot fight on. The present quotas are based on the number of foreign-born in the United States according to the census of 1910. The Senate committee proposes to continue the 1910 basis, while the House committee takes for its basis the number of foreign-born who were here in 1890. If the Senate committee's proposal is adopted, the immigrants from Russia, Poland, the Balkans, and the Mediterranean countries will form just as big a part of a year's immigration as they do now, whereas if the House committee's proposal becomes law there will be a smaller proportion from those parts of Europe and a greater proportion from northwestern Europe and the British Isles. The natives of the southern and eastern countries of Europe charge that assenting to the 1890 measure will work a discrimination against them, and they have put forth a very powerful propaganda to that effect. We have not heard very much from the natives of the northwest of Europe and the British Isles.

For my own part, I do not see why—whichever year we use—we should measure the immigrants wholly by the foreign-born in America. Why not pay some attention to the American born in America? Have you, who are American born, no say in this? Must we always measure the future of our own country by the numbers of foreigners who are here? Is it true that the United States is already a collection of foreign colonies, rather than a nation of native Americans? * * *

The first essential is to resolve our 100,000,000 of Americans into more of a national unit, and the best way to help this, through immigration, is to admit from each European country the same fraction of the annual total number of immigrants that the natives and descendants of that country already here bear to our present total of 100,000,000 of Americans.

Representative Vinson in the House on April 11, 1924 (ibid., p. 6118), stated:

> Those favoring unrestricted immigration are wont to hearken back to the days of the discovery, colonization, and settlement of our country. In respect of this argument, I want to be thoroughly understood. Were the immigrants now flooding our shores possessed of the same traits, characteristics, and blood of our forefathers, I would have no concern upon this problem confronting us, because, in the main, they belonged to the same branch of the Aryan race. Americans and their forebears, the English, Irish, Scotch, and Welsh, are the same people.
>
> These ancestors of the real American people were related one to the other and possessed, to a large degree, similar tastes, traits, and characteristics. And in the amalgamation of these people and their transition into Americans, we find the persons who created and now maintain the greatest Nation on the globe.
>
> But it is the "new" immigrant who is restricted in emigrating to this country. The emigrants affected by this bill are those from Italy, Greece, Russia, Poland, Bulgaria, Armenia, Czechoslovakia, Yugoslavia, and Turkey. I respectfully submit, with all the power within me, that the people from these countries do not yield their national characteristics, but retain them practically unimpaired by contact with others.

The chairman of the House Committee on Immigration and Naturalization, Representative Albert Johnson of Washington, opposed the national-origins plan when it was offered as an amendment by Representative Rogers of Massachusetts. On April 12, Congressman Johnson spoke as follows (ibid., p. 6227):

> I rise in opposition to the amendment submitted by the gentleman from Massachusetts. This plan receives the name of "National origins" plan. To use plain, blunt words, it appears to be a stalling plan. It is a postponement.

The plan was also attacked as being discriminatory. Whatever the true appraisal of the plan was, it was defeated in the House a second time without a record vote, and the bill as passed by that body did not contain the national-origins provision.

The national-origins feature was several times presented to the Senate as an amendment to the bill and it was finally approved. The bill went to conference with the national-origins provision included. The House agreed to the conference report. The bill, as amended, became law on May 26, 1924.

With respect to the national-origins system the effective date was, however, extended on two occasions by Joint Resolutions of Congress, first to July 1, 1928,[83] and then to July 1, 1929.[84] The act provided that during any fiscal year thereafter, the quota of any nationality shall be a number which bears the same ratio to 150,000 as the number of inhabitants in continental United States in 1920, having that national origin, bears to the number of inhabitants in continental United States in 1920, but the minimum quota of any nationality shall be 100.

The 1924 act had been hailed as the most far-reaching change that occurred in America during the course of that quarter century, in that it arrested the tendency toward a change in the fundamental composition of the American stock. It has been denounced as radically biased, statistically incorrect, and a clumsy instrument of selection which bars individuals by discrimination against nations instead of considering personal qualifications of immigrants. It is said to overlook the innate differences of individuals among members of a group

[83] 44 Stat. 1455.
[84] 45 Stat. 400.

and to confuse racial traits and cultural attainments by identifying both physical and mental developments with country of birth.

On behalf of the law, it is said that the national-origins basis for immigration gives every national group as many immigrants to this country as that national-origins group has contributed to the population of the United States, and that it is founded, not on a foreign-born basis or on a native-born basis, but on all-American basis as far as the countries of the Old World are concerned.

12. SUMMATION OF OUR IMMIGRATION POLICY

There are two justifications for the national-origins plan of immigration restriction. One is that it gives scientific effect to our immigration policy as it has been developed from the time of the founding of our country; the other is that it does this without discrimination against either foreigners or Americans.

The policy of immigration restriction has gradually developed from colonial days. Having the quotas proportioned according to the make-up of the American stock seems to be generally accepted as the best method of allotment. Regardless of the argument used by the opponents of the various plans, the fundamental objection is always that the quota of a particular nationality has been cut. The opposition to using the census of 1910 was based on the argument that it did not give sufficient representation to the countries of northern Europe. The people from southern Europe were loud in their protest against the use of the 1890 census. It is evident that no apportionment could be made which would be favored by all.

The United States can only be an asset to the world if she keeps her institutions intact. Only by the preservation of our unity can we be a factor for good in world affairs. "The country will not be a haven or a beacon light for native or immigrant if it is not maintained a country." [85]

13. RECENT LEGISLATION

The Alien Registration Act [86] was passed in 1940 to combat sedition and subversion. It provided for the registration and fingerprinting of all aliens and amended the act of 1917 by prescribing additional deportation clauses, including aliens convicted of smuggling and those assisting in illegal entry of other aliens. The act further amended the 1917 law by providing for voluntary departure in lieu of deportation and for suspension of deportation in certain cases.

In 1943, the Chinese Exclusion Act was repealed.[87] In 1946, the Filipinos [88] and persons belonging to races native of India [89] were granted the privilege of admission to the United States and were declared eligible for naturalization.

Immigration increased after World War II. The first big movement was that of war brides, who were granted special entry permission by Congress in an act passed in 1945.[90] Nearly 96,000 wives, husbands,

[85] Martha Ragsdale, The National Origins Plan of Immigration Restriction, p. 59.
[86] 54 Stat. 670.
[87] 57 Stat. 600.
[88] 60 Stat. 1353.
[89] 60 Stat. 416.
[90] 59 Stat. 659.

and minor children of service personnel entered the United States during the fiscal years 1946, 1947, and 1948.[91]

Following this was the GI Fiancées Act of 1946 [92] which was extended to December 31, 1948. Under this act there have been over 5,000 alien fiancés and fiancées admitted through June 30, 1948.[93]

The Displaced Persons Act of 1948 [94] permits the immigration of 205,000 displaced persons over a period of 2 years. This is in addition to the forty-odd-thousand who were admitted under the President's directive of December 22, 1945. This act also makes provision for the adjustment of the immigration status of 15,000 displaced persons residing in the United States.

E. Summary of the Immigration Laws

1. INTRODUCTION

Beginning in 1798 and continuing to the present time, numerous statutes have been enacted for the regulation and control of aliens. These statutes are implemented by a myriad of executive orders, rules, regulations, and operations instructions. In addition, the immigration system is closely intertwined with the naturalization system. This résumé is a synopsis of some of the principal features of the immigration system.

In considering the immigration system of the United States, it must be borne in mind that the United States is primarily a receiving nation; i. e., it is one of the few countries of the world to which aliens are constantly coming and from which relatively few depart permanently. The earlier statutes on immigration were primarily qualitative in nature, while later statutes added quantitative restrictions.

The two basic acts upon which the immigration system of the United States is built are the Immigration Act of February 5, 1917, and the Immigration Act of May 26, 1924. The 1917 act was designed primarily to exclude aliens with physical, mental, or moral disqualifications, whereas the 1924 act was designed primarily to limit the number of immigrants who can be admitted and to prescribe the documents required for entry.

2. EXCLUDABLE ALIENS

The immigration laws provide for the exclusion of certain classes of aliens from admission to the United States. A number of the most important grounds for exclusion may be listed as follows:

a. Physical defects

Persons with tuberculosis in any form or with a loathsome or dangerous contagious disease are excluded.

b. Mental defects

Persons in this group include idiots, imbeciles, insane persons, epileptics, persons of constitutional pyschopathic inferiority, feebleminded and other mental defectives, and chronic alcoholics.

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[91] See p. 461.
[92] 60 Stat. 339.
[93] See p. 587.
[94] Public Law 774, 80th Cong., 2d sess. 62 Stat. 1009.

c. Moral defects

Included in this group are persons who have been convicted, or admit the commission of a crime involving moral turpitude; persons who believe in, practice, or advocate polygamy; prostitutes, and persons who share the earnings of prostitutes.

d. Political disqualification

Included in this group are persons who believe in overthrowing the Government by force, or the assassination of public officials, or the unlawful destruction of property.

e. Economic disqualification

Included in this group are paupers, vagrants, professional beggars, persons likely to become public charges because of physical or mental defect which might impair their ability to earn a living, and children under 16 years of age unaccompanied by or not coming to a parent. Also in this group are contract laborers, including aliens who are induced, assisted, encouraged, or solicited to migrate to the United States by offers or promises of employment, whether such promises are true or false, to perform labor in the United States of any kind, skilled or unskilled; aliens migrating to this country as a result of agreements, oral, written or printed, expressed or implied, to perform labor of any kind, skilled or unskilled; and aliens coming as a result of advertisements for laborers, printed, published, or distributed in a foreign country. Professional artists, singers, actors, lecturers, persons belonging to any recognized learned profession, domestic servants, and certain instrumental musicians are excepted from exclusion as contract laborers.

f. Miscellaneous disqualifications

This group includes illiterates who are over 16 years of age and are physically capable of reading; aliens who are not in possession of a valid, unexpired immigration visa and a valid passport; aliens previously excluded from the United States; aliens previously deported from the United States; aliens who are ineligible to naturalization in the United States; stowaways; and aliens who departed from the United States in time of war or period of national emergency to avoid service in our armed forces.

Since 1790, when the first naturalization law was enacted, Congress has limited eligibility for naturalization to members of designated racial groups. The term "ineligible to naturalization" includes:

1. An alien who is debarred on racial grounds from becoming a citizen of the United States.

2. An alien disqualified for naturalization because of desertion or similar proscribed conduct with reference to our armed forces.

3. An alien who filed for exemption from the draft as a neutral alien.

Furthermore, a native of the so-called Asiatic barred zone is excludable from the United States. The barred zone includes the East Indies, western China, French Indochina, Siam, Burma, India, Bhutan, Nepal, eastern Afghanistan, Turkestan, the Kirghiz Steppe, and the southeastern portion of the Arabian Peninsula. This bar does not apply to white persons born in the zone, nor does it apply to aliens who are coming to the United States in some category other than the permanent-resident class.

3. ADMISSIBLE ALIENS

a. Introduction

All aliens entering the United States are classed either as immigrants or nonimmigrants. In general, an immigrant is one coming to the United States with the intention of residing here permanently, while a nonimmigrant is one coming for a temporary stay only. Specifically, an immigrant is any alien departing from any place outside the United States destined for the United States who is not within one of the categories set forth in the classes of nonimmigrants.

Immigrants are classified as quota or nonquota immigrants depending upon whether they come in under the quota or outside the quota. Under the quota law, only a maximum number of immigrants may enter each year from European countries and from certain Asiatic and African countries. Generally speaking, there is no quota for independent countries of the Western Hemisphere.

b. Quota classes

The annual quota of any eligible nationality for each fiscal year, published by Presidential proclamation, is a number which bears the same ratio to 150,000 as the number of inhabitants in continental United States in 1920 having that national origin bears to the number of inhabitants in continental United States in 1920, but the minimum quota of any eligible nationality is 100. For instance, in 1920 the number of inhabitants of British origin in the United States was 48,195,400. The population of the United States was 110,000,000. The ratio therefore is: X is to 150,000 as 48,195,400 is to 110,000,000. X is equal to 65,721, the present British quota. Generally speaking, not more than 10 percent of the annual quota can be admitted in any one month.

Only persons born in a country may be admitted under the quota of that country, with certain exceptions relating to wives and children. In other words, with the exceptions noted, an alien's place of birth and not his citizenship or where he resides determines the quota to which he may be charged.

Quota immigrants are made up of the following classes:

(*1*) *Preference quota immigrants*

Quota immigrants receiving preferential status under the present immigration laws are:

1. Parents of adult citizens of the United States and husbands of United States citizens, where the marriage occurred on or after January 1, 1948.

2. Persons skilled in agriculture of a nationality whose quota is 300 or more and their wives and children under 18 years of age.

3. Wives, and unmarried children under 21 years of age, of alien residents of the United States, who are lawfully admitted for permanent residence.

Fifty percent of the quota of each nationality is available for the first two classes without priority between them; hence the designation first preference. The remaining 50 percent, plus any unused portion of the first preference, is available for the second-preference group. Any portion of the quotas not used for these three classes is available for other quota immigrants. Chinese persons are not entitled to preference under these classes.

(2) *Nonpreference quota immigrants*

These are the regular quota immigrants not entitled to preference under any of the preceding classes. However, regulations provide for priorities as follows:

(a) *First-preference quota immigrants*

1. In relative cases, the priority is determined by the date of the approval of the petition form by the Immigration and Naturalization Service.

2. In skilled agriculturist cases, the priority is determined as of the date when the alien submits the registration form to the consulate by mail.

It must be noted that categories (a) and (b) have no priority over each other. The two classes must be considered as though they were merged.

(b) *Second-preference quota immigrants*:

The priority of this group is determined by the date the immigrant submits a registration form by mail to the consular office.

(c) *Nonpreference quota immigrants*

i. Top priority.—The following classes are entitled to top priority:

1. Certain alien children over 18 years of age but less than 21, born in a quota country, accompanying a parent entitled to nonquota status.

2. The alien wife or unmarried minor child born in a quota country accompanying an immigrant Spanish national *returning to Puerto Rico* under the provisions of the act of May 26, 1926.

3. The alien wife or unmarried minor child born in a quota country accompanying an alien, native of Puerto Rico, Guam, or American Samoa, who is immigrating to the United States.

ii. First priority.—After all first-preference and second-preference classes have been considered and in the absence of nonpreference quota immigrants of the "top priority" class, the following classes of aliens are considered for visas:

1. Aliens who have served honorably in the United States armed forces and the alien widows, parents, unmarried minor children, unmarried minor step-children of United States citizens (including deceased citizens) who have so served and aliens who have served honorably as seamen for at least 1 year on vessels of countries of the United Nations engaged in sailing from ports in the United States.

2. Aliens who have been recommended by the Joint Chiefs of Staff as persons whose admission is highly desirable in the national interest, provided that such cases have been approved by certain Government agencies.

3. Displaced persons covered by the President's directive of December 22, 1945, and his directive of October 31, 1946.

iii. Second priority.—This class includes those aliens who applied for visas between July 1, 1941, and July 1, 1945, during which time certain wartime regulations were in effect whereby applications for visas were reviewed in Washington. Applications in this group are considered after applicants of all the preceding preference or priority groups have been considered.

iv. Nonpriority.—This class includes all quota immigrants not falling within one of the preference or priority classes. They have the last call on quota numbers.

c. Nonquota classes

There is no statutory limit on the number of nonquota immigrants except insofar as the number is limited by the excluding provisions of the law or the status required in order to qualify as a nonquota immigrant. Nonquota immigrants are made up of the following classes:

1. Wives and unmarried minor children of American citizens, and husbands of American citizens where the marriage occurred prior to January 1, 1948. (See Public Law 538, 80th Cong.)
2. Returning residents; i. e., aliens who were previously lawfully admitted and are returning to the United States after a temporary visit abroad.
3. Aliens born in other American countries, their wives and unmarried children under 18 years of age.
4. Ministers and professors, their wives and unmarried children under 18 years of age.
5. Students who are at least 15 years of age.
6. American women who lost citizenship because of marriage to an alien prior to September 22, 1922. (After that date a woman United States citizen did not lose citizenship by marriage to an alien.)
7. American citizens who lost citizenship through foreign military service on or after January 13, 1941, and who are returning to the United States to regain their citizenship.

d. Nonimmigrant classes

Nonimmigrants are made up of the following classes:

1. Government officials, their families, attendants, servants, and employees.
2. Temporary visitors for business or pleasure.
3. Aliens in transit (for instance, from Canada to Mexico).
4. Lawfully admitted aliens who travel from one part of the United States to another through foreign contiguous territory. (For instance, an alien traveling from Buffalo, N. Y., to Detroit, Mich., may pass through Canada.)
5. Alien seamen and airmen.
6. Treaty traders, their wives, and unmarried children.
7. Representatives to official international organizations, their families, attendants, servants, and employees.

4. DOCUMENTARY REQUIREMENTS

An immigrant or nonimmigrant, with certain exceptions, when applying for admission into the United States, must present a valid passport showing identity or nationality, or a document in lieu of a passport. Also, with certain exceptions, an immigrant must present—

1. An immigration visa, either quota or nonquota;
2. A resident alien's border crossing card; or
3. A reentry permit as a returning resident.

A nonimmigrant must present—

1. A passport visa;
2. A limited entry certificate;

3. A transit visa or transit certificate; or
4. A nonresident alien's border crossing card.

The chief exceptions to these documentary requirements relate to certain border crossers and so-called 29-day visitors. Canadian citizens and British subjects domiciled in Canada may enter the United States without documents for a period or periods up to 6 months. Native-born Cubans may be admitted to the United States up to 29 days without a visa, but must be in possession of a Cuban passport.

5. DEPORTABLE ALIENS

Certain aliens are subject to deportation from the United States, either from causes arising prior to entry or from causes arising subsequent to entry. Time limitations are imposed in certain cases, whereas in other cases there is no time limitation. Among the more important grounds for deportation are the following:

1. Violation of status or terms of conditional entry. This includes all of the nonimmigrant categories as well as the student who is designated as a nonquota immigrant. Nonquota immigrants (other than students) and quota immigrants are not required to maintain any specific status.
2. Entering without inspection or by fraud.
3. Causes existing at time of entry. This includes aliens excluded by emergency or wartime restrictions, aliens with fraudulent or no documents, aliens convicted or admitting the commission, prior to entry, of a crime involving moral turpitude, immoral aliens, anarchistic or other subversive aliens, and aliens with mental, physical, economic, or educational disqualifications.
4. Causes arising after entry. This includes alien smugglers of aliens, aliens convicted of crime, immoral aliens, anarchistic or other subversive aliens, and aliens who become public charges.

6. DISCRETIONARY ACTION

a. Preexamination

By regulation, an alien who is in the United States and for whom a quota number will soon be available, may be examined in the United States to determine whether or not he would be admissible if he were in possession of a visa and applying for admission at a port of entry. If it is determined that he is admissible, he proceeds to Canada where he appears before an American Consul and applies for a visa. This relief may be granted regardless of whether or not the alien is under deportation proceedings.

b. Suspension of deportation

The Attorney General may suspend the deportation of certain classes of aliens. If this action is approved by the Congress the aliens affected have their status adjusted to permanent residents.

c. Seventh proviso

Under the Immigration Act of 1917, the Attorney General is vested with discretionary power to admit aliens who are in an excludable class but who are returning to the United States to an unrelinquished domicile of seven consecutive years. This power may be used to waive any bar to admission except as to aliens who are ineligible to citizenship, aliens who were brought by nonsignatory lines to contig-

uous territory, aliens with improper, fraudulent, or no documents, and aliens whose entry would be prejudicial to the interests of the United States.

It is pertinent to note that to qualify an alien for relief under the seventh proviso, his 7 years' domicile in the United States need not have had its inception in a legal entry.

d. Ninth proviso

Under the Immigration Act of 1917, the Attorney General is vested with discretionary power to admit *for a temporary period* any alien who is inadmissible or excludable for any reason. The Attorney General has adopted a policy of not granting ninth proviso relief in cases of:

1. Aliens who are not bona fide nonimmigrants.
2. Aliens who have previously been deported or removed from the United States and have not been granted permission to reapply for admission to the United States.
3. Aliens whose admission would be contrary to the public safety.

e. Returning resident aliens

Under the Immigration Act of 1924, the Attorney General is vested with discretionary power to admit returning resident aliens who do not meet certain documentary requirements.

F. Migrations to and From the United States

1. AREA AND POPULATION

The area of continental United States has increased from 892,135 square miles in 1790 to 3,022,387 square miles in 1940, the date of the last available census, while the population has increased from 4.5 persons per square mile of land area in 1790 to 44.2 persons in 1940.

Immigration from Europe, which began in the early part of the seventeenth century, was the beginning of a population growth in this country that has been the most rapid in recorded history. The country, inhabited then by a few thousand Indians, has grown to its present population of approximately 150,000,000 in a little over 300 years.

Although early immigration was made up of small groups numbering not more than 100 to each group, our immigration swelled and our population increased rapidly as a result. The population by 1650 was about 52,000. In the next 50 years, it had risen to 275,000 and by 1750, 100 years later, it had reached 1,000,000. The first census was taken in 1790, which showed a population of 3,227,000. Studies based upon this census indicate that more than 75 percent of the population at that time had originated in the British Isles. Eight percent came from Germany and smaller percentages originated in the Netherlands, France, Sweden, and Spain.

The number of immigrants who came here from the close of the Revolutionary War up to 1820 is generally placed at 250,000. There is no official record of persons arriving in the United States up to that time. During the War of 1812, there was a falling off in immigration, but in 1817, some 20,000 persons came to this country. Selection was limited chiefly to the rugged in body and spirit, since, generally, only they could survive the rigors of the voyages at that time.

From 1790 through 1860, the increase in population over the preceding census ranged from 32.7 to 36.4 percent. In each census period from 1870 through 1900, the increase in population was slightly over 25 percent. There was a 21-percent increase in 1910, a 14.9-percent increase in 1920, and a 16.1-percent increase in 1930. The 1940 census showed a 7.2-percent increase in population over the preceding census.

From 1820 to 1947, almost 39,000,000 people had been added to our population by immigration, a growth by immigration which has been called the most rapid in recorded history. The number of immigrants who came here from the close of the Revolutionary War until 1820 is generally placed at 250,000. There is no official record of persons arriving in the United States up to that time. It is said that during the War of 1812, there was a falling off of immigration, but in 1817, some 20,000 persons came to this country. Beginning in 1820, there was a record kept of immigration to this country in accordance with a law passed in 1819.

From 1790 to 1820, when the increase in population in each census period was running over 35 percent, there is no official record of immigration. From 1820 to 1830, however, when the increase in population was 33.5 percent, immigration was known to be a significant factor contributing to the increase.

Immigration increased from a little over 9,000 in 1821 to over 23,000 in 1830. From 1870 to 1900, when the population increase in each census period was running from 20 to 26 percent over the preceding census period, our immigration was increasing still more rapidly.

Immigration increased from 2,314,824 during the decade ending in 1870 to 5,246,613 during the decade ending in 1890 and receded to 3,687,564 during the decade ending in 1900. During the three decades from 1870 to 1900, immigration to this country was close to 12,000,000 persons or an average of over 390,000 per year.

In the decade from 1901 to 1910, immigration was almost three times the immigration of the preceding decade. During the decade from 1901 to 1910, there were close to 9,000,000 immigrants admitted into this country, and during the decade from 1910 to 1920, almost 6,000,000 immigrants were admitted into this country. The flow of immigration began to fall off in 1922, after the first quota act was passed. During the decade from 1920 to 1930, immigration was slightly over 4,000,000, and during the decade from 1930 to 1940, it dropped to slightly over 500,000. During the period from 1941 to 1947, our immigration was less than 500,000. Until the close of the fiscal year 1948, our total immigration was close to 39,000,000 persons.[95]

2. EXTENT OF MIGRATIONS

There were more than 81,000,000 legal admissions of aliens and citizens into the United States during the fiscal year ending June 30, 1948. Of this number, 96 percent were commuters or others who go back and forth across the borders frequently. The remaining 4 percent (3,240,000 admissions), were chiefly quota immigrants, nonquota immigrants, nonimmigrants, seamen, agricultural laborers, displaced persons, and reentrants.

[95] See appendix IV, table 1, p. 814.

There were almost 500,000 aliens (exclusive of border crossers, Mexican agricultural laborers, and crewmen) who departed from the United States during the fiscal year ending June 30, 1948.

During the fiscal year 1948, there were 92,526 quota immigrants admitted for permanent residence and 78,044 nonquota immigrants admitted for permanent residence. Over the years, quota immigration and nonquota immigration have been substantially the same in number. During the 22-year period from July 1, 1924, to June 30, 1946, there were 1,321,434 quota immigrants and 1,249,280 nonquota immigrants.

During the fiscal year 1948, there were over 476,000 overseas nonimmigrants admitted into the United States. During the fiscal year 1946, there were slightly more than 203,000 overseas nonimmigrants admitted, and during the fiscal year 1947 there were over 366,000 overseas nonimmigrants admitted.[96]

There were 1,937,874 seamen arriving in this country during the fiscal year 1948. Over 900,000 of this group were aliens and there were 4,353 who deserted. Thus an average of over 5,000 seamen arrived in this country per day.[97]

Since June 1944, there were a total of 358,112 agricultural laborers admitted into the United States, chiefly from Jamaica, Mexico, and the Bahamas. This was an average of over 71,000 per year.[98]

In addition to all the other admissions into the United States, there are thousands who enter each year illegally. There have been several estimates made of the numbers of illegal aliens in this country. There is, however, no way of knowing just how many such entries take place, since an illegal entry cannot be claimed or recorded until the alien is apprehended. During the fiscal year 1948, there were 217,555 aliens deported or given voluntary departure in lieu of deportation.

In addition to immigration, there is another class of migrations which, although not strictly immigration, must be taken into consideration in appraising the flow of persons into this country. This is the migration of persons from the insular and island possessions of the United States, the majority of whom come from Puerto Rico.

Since the Foraker Act of 1900 made Puerto Rico a nonincorporated territory of the United States, Puerto Ricans have enjoyed the privilege of free entry into continental United States.

Migrations between the continental United States and the island possessions, during the period from 1938 to 1948, totaled 880,302 arrivals. Of this number, over 386,000 were from Puerto Rico and 365,463 from Hawaii. There was a net in-migration from Puerto Rico of 162,725 and a net in-migration of 73,316 from Hawaii during this 10-year period.

While migrations from Puerto Rico to the continental United States have accelerated from slightly over 19,000 in 1944 to over 93,000 in 1948, during the same period migrations from the Virgin Islands into Puerto Rico also increased considerably. These migrations from the Virgin Islands into Puerto Rico increased from over 7,000 in 1944 to over 17,500 in 1948.[99]

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[96] See appendix IV, table 10, p. 822.
[97] See appendix IV, table 15, p. 826.
[98] See appendix IV, table 22, p. 831.
[99] See appendix, IV, table 22, p. 831.

3. IMMIGRANT ADMISSIONS

The number of immigrants who came to this country from the close of the Revolutionary War up to 1820 is generally placed at 250,000. From 1820, when the first record of immigration was made in accordance with an act of 1819, until the end of the fiscal year 1948, our immigration totaled 38,887,978. In the decade from 1820 to 1830, immigration was slightly over 140,000 and in the decade from 1830 to 1840, our immigration had increased more than 400 percent. Immigration during the next decade, from 1840 to 1850, passed the 1.5-million mark and, thereafter, increased to an average of over 4.75 million for each of the next eight decades.

Immigration reached its peak in the decade from 1901 to 1910, when it passed the million mark 4 years out of the 10. During this decade, there were almost 9,000,000 immigrants.

Beginning in the decade from 1910 to 1920, immigration began to fall off. Although in 1913 and again in 1914, it passed the million mark, the total for the decade declined to 5,735,811. The chief reason for this decline in immigration was due to the passage of the Immigration Act of 1917, which required a literacy test and had other restrictive measures for the purpose of decreasing immigration. World War I was also a factor in this decline. In the decade from 1920 to 1930, immigration fell off still more as a result of the first quota act in 1921, which was later followed by the quota act of 1924. Immigration in this decade declined to 4,107,209. In the decade from 1930 to 1940, immigration was slightly more than a half million. In the 8-year period from 1940 to 1948, immigration was approximately 600,000.

Some writers on immigration consider the subject from the standpoint of three periods. The first, called the free period, is the 61-year period from 1820 to 1880. The second, called the selective period, was the 40-year period from 1880 to 1920. The third, called the restrictive period, was the period from 1920 to 1948.

During the free period, when there were no immigration laws except those that had been passed with the intent of assisting immigration, such as the passenger acts and steerage laws, our immigration amounted to 10,189,429. During the selective period, when a series of laws had been passed, beginning with the first General Immigration Act of 1882 and followed by the Chinese Exclusion Acts passed during this period, our immigration totaled 23,465,374. In the restrictive period, from 1920 to 1948, a period of 28 years, immigration amounted to 5,233,175.[1]

4. ADMISSIONS AND DEPARTURES

a. Immigrants in general

The first official recording of aliens departing from this country began in 1908. From 1908 to the end of fiscal year 1948, the number of immigrant aliens admitted exceeded the number of emigrant aliens departed by 8,965,878. From 1911 to 1920, the excess was 3,588,817, and from 1921 to 1930, 3,062,133.

From 1931 to 1940, during which period this country suffered a depression and the administration enforced more restrictive immigra-

[1] See appendix IV, tables 3, 4, and 5, pp. 817, 818.

tion legislation, namely, the National Origins Quota Act of 1924, the number of immigrant aliens admitted exceeded those departed by only 68,693.[2]

From 1941 to 1948, the number of immigrant aliens admitted exceeded the number of emigrant aliens departed by 343,625.

b. Quota immigrant admissions

From 1925 to 1929, when the Nation was operating under an experimental quota law based upon 2 percent of the foreign born in the Nation, according to the 1890 census, there were 761,622 quota immigrants admitted into the United States. From 1930 to 1934, following the effective date of the National Origins Act, 229,301 quota immigrants were admitted.

In the periods from 1935 to 1939 and from 1940 to 1944, the totals for quota immigrants admitted were 168,540 and 121,253, respectively. In 1945, there was a decided drop in the number of quota immigrants admitted, a total of only 11,623. In 1946, a total of 29,095 were admitted, in 1947, 70,701, and in 1948, 92,526.[3]

c. Sources of immigration

Immigration from northern and western European countries had increased from 68 percent of total immigration in the decade from 1820 to 1830 to 93.6 percent from 1851 to 1860. This source of immigration decreased every decade until it reached 17.4 percent in the decade from 1911 to 1920. On the other hand, immigration from southern and eastern European countries increased from 2.2 percent of total immigration from 1821 to 1830 to 7.2 percent from 1871 to 1880. It increased to 18.3 percent in the decade from 1881 to 1890 and to 70.8 percent from 1901 to 1910. Thereafter it dropped to 59 percent from 1911 to 1920.

From 1924 to 1946, there was a shift in the source of immigration, with only 18.9 percent coming from southern and eastern Europe and 43.1 percent coming from northern and western Europe.. It was during this period that our Nation enacted the first real restrictive laws on immigration by establishing restrictive quotas.

Immigration from southern and eastern Europe constituted 16.2 percent of total immigration in 1947 and 17.9 percent in 1948. Immigration from northern and western Europe was 40.6 percent in 1947 and 42.9 percent in 1948.

During the years from 1925 to 1929, when the so-called 2 percent quota law was in effect, quota immigration to this country from all sources totaled 761,622. Of these, 755,387 came from Europe: 656,832 from northern and western Europe and 98,555 from southern and eastern Europe.

Following July 1, 1929, the effective date of the national-origins section of the 1924 act which reduced immigration to approximately 150,000 per year, there was a sharp reduction in quota immigration. From 1930 to 1934 immigration from all quota countries totaled 229,301. Of this total 225,725 came from Europe: 171,806 from northern and western Europe and 53,919 from southern and eastern Europe. In the 5-year period from 1935 to 1939, total immigration from all quota countries was 168,540. Of this total 165,471 came

[2] Immigration and Naturalization, Annual Report (1947), table 11.
[3] See appendix IV, tables 6 and 7, pp. 818, 819.

from Europe: 101,950 from northern and western Europe, and 63,521 from southern and eastern Europe.

From 1940 to 1944, quota immigration from all countries decreased to 121,253, 118,301 coming from Europe. Immigration from northern and western Europe decreased to 76,396, while immigration from southern and eastern Europe decreased to 41,905. In 1945, quota immigration decreased to 11,623 from all quota countries. In 1946, it rose to 29,095, and in 1947, the total was 70,701. Quota immigration from northern and western Europe for these 3 years was 7,305, 16,416, and 47,056, respectively; from southern and eastern Europe it was 3,737, 11,423, and 22,081, respectively.[4]

d. Nonquota admissions

Prior to 1924, there was no nonquota class of immigration. Although the Nation had its first Immigration Quota Act in 1921 which had permitted some exceptions to the quotas, it was not until 1924 that the nonquota class was established.

From 1925 to 1948, almost 1.5 million nonquota immigrants have been admitted into the country. From 1925 to 1929, when the quotas were based on 3 percent of the foreign-born in this country according to the census of 1897, there were almost 800,000 nonquota immigrants admitted. From 1930 to 1948, following the effective date of the national-origins section of the law which reduced quota immigration to approximately 150,000 per year, there was a total of over 600,000 nonquota immigrants admitted.

From 1925 to 1929, when the Nation was operating under the so-called 2-percent immigration law, out of a total of 111,178 nonquota immigrants, 14,227 came from northern and western Europe and 96,951 came from southern and eastern Europe. One of the chief purposes of the National Origins Act, which limited immigration to this country to approximately 150,000 quota immigrants per year, was to reduce the proportion of immigration from southern and eastern Europe. From 1930 to 1948, however, of the 239,099 European nonquota immigrants who were admitted, 150,967 were, however, from southern and eastern Europe and 88,132 from northern and western Europe.

Generally speaking, immigrants from countries of the Western Hemisphere are nonquota. From 1925 to 1948, out of the total of almost one and one-half million nonquota immigrants, slightly over 1,015,000 came from countries of the Western Hemisphere.

From 1925 to 1929, there were 639,420 immigrants admitted from nonquota countries, and from 1930 to 1948 there were slightly over 375,000.

Of the 1,403,915 nonquota immigrants admitted between 1925 and 1948, the largest portion (70.8 percent) were natives of countries of the Western Hemisphere. The next largest portion (16.5 percent) were the wives of United States citizens and third largest portion (7.5 percent) were children of citizens.

From 1925 to 1948, there were 388,818 nonquota immigrants admitted from quota countries. This amounted to 20.8 percent of the total immigration from those countries for that period. During the same period, nonquota immigration from northern and western Europe amounted to 102,359 or 8.2 percent of the total, and nonquota immi-

[4] See appendix IV, table 7, p. 819.

gration from southern and eastern Europe was 247,918, or 43.8 percent of the total immigration from such countries.

From 1921 to 1930, 36.9 percent of our total immigration from all countries was from the Western Hemisphere. From 1931 to 1940, it dropped to 30.3 percent; and from 1941 to 1947, immigration from the Western Hemisphere was 48.8 percent of the total.

In the periods from 1921 to 1930, 1931 to 1940, and 1941 to 1947, immigration from Canada and Newfoundland was 925,000, 109,000, and 99,000, respectively, or 61 percent, 67.8 percent, and 47.6 percent, respectively, of the total Western Hemisphere immigration.

The source of the next largest portion of the total immigration from the Western Hemisphere is Mexico with 459,300 (30.3 percent) in the period from 1921 to 1930, 22,300 (13.9 percent), from 1931 to 1940, and 53,800 (15.2 percent) from 1941 to 1949.[5]

e. Nonimmigrant admissions.

Prior to the act of 1924, which instituted numerical limitation on immigration to this country, there was no class specifically known as a nonimmigrant class. The act of 1917, in specifying the various prohibitions and exclusions of the act, uses the term "alien" generally.

Although the act of 1924 does not specifically define a nonimmigrant, it defines a nonimmigrant by exception, by defining an immigrant in section 3. Section 3 of the Immigration Act of 1924 provides that—

> When used in this Act, the term "immigrant" means any alien departing from any place outside the United States destined for the United States, except (1) an accredited official of a foreign government recognized by the Government of the United States, his family, attendants, servants, and employees, (2) an alien visiting the United States temporarily as a tourist or temporarily for business or pleasure, (3) an alien in continuous transit through the United States, (4) an alien lawfully admitted to the United States who later goes in transit from one part of the United States to another through foreign contiguous territory, (5) a bona fide alien seaman serving as such on a vessel arriving at a port of the United States and seeking to enter temporarily the United States solely in the pursuit of his calling as a seaman, and (6) an alien entitled to enter the United States solely to carry on trade between the United States and the foreign state of which he is a national under and in pursuance of the provisions of a treaty of commerce and navigation, and his wife, and his unmarried children under twenty-one years of age, if accompanying or following to join him, and (7) a representative of a foreign government in or to an international organization entitled to enjoy privileges, exemptions, and immunities as an international organization under the International Organizations Immunities Act, or an alien officer or employee of such an international organization, and the family, attendants, servants, and employees of such a representative, officer, or employee.

Between July 1, 1925, and June 30, 1948, there was a total of 4,317,425 nonimmigrant aliens admitted into this country, and 4,077,201 departed.

During each fiscal year from 1930 to 1938, inclusive, the number of departing nonemigrants exceeded the number of arriving nonimmigrants. During the fiscal year 1939, the excess was 10,575, and during the fiscal year 1940, 6,671. Thereafter, for each fiscal year to 1948, the number of arriving nonimmigrants has exceeded the number of departing nonemigrants. This excess was 78,327 in 1945, 17,259 in 1946, 65,384 in 1947, and 48,663 in 1948.

The number of admissions of temporary visitors for pleasure has increased from slightly over 24,000 in 1941 to over 200,000 in 1948.

The number of aliens in transit has increased from slightly over 18,000 in 1941 to over 124,000 in 1948.

[5] See appendix IV, table 8B, p. 821.

Another class of nonimmigrants which is not included in the regular statistics on nonimmigrants by the Immigration and Naturalization Service is alien crewmen. During the fiscal year 1947, 1,763,995 crewmen were examined, and during the fiscal year 1948 there were 1,937,874, an increase of 9.2 percent.

From 1938 to 1948, there were over 16,500,000 arriving crewmen, 8,470,083 aliens, and 8,260,022 citizens. During this period, 8,418,262 alien crewmen departed the country, 51,821 fewer than the total.[6]

f. Migrations of citizens

During the fiscal year 1948 more than a half million United States citizens arrived at our ports. The number of United States citizens returning to this country has never dropped below 100,000 per year from 1938 to 1948. For the 10-year period there have been almost 3,000,000 United States citizens who have returned to this country.

During the same 10-year period, however, more than 2½ million United States citizens departed this country presumably for permanent residence abroad.[7]

g. Migration between continental United States and Territories and possessions

During the period from 1938 through 1948 there were over 700,000 citizens admitted into continental United States from territories and possessions.

The two largest contributors to this migration were Hawaii and Puerto Rico. Citizen migrations from Puerto Rico for the 10-year period totaled 386,312 compared to a total of 365,463 from Hawaii. The next largest contributor was Guam with a total of 12,804 for the 10-year period.

During the 10-year period a little more than 500,000 citizens departed the mainland for insular destinations. However, this leaves a net, possibly permanent, influx of citizens from the possessions to the United States of approximately 200,000.

In addition to the citizen travel between the insular possessions and the continental United States there is also some alien travel. During the period from 1938 through 1948 there was a total of 32,864 aliens arrived on the mainland from the possessions and a total of 26,853 aliens departed from the mainland to the insular possessions. This leaves a net of 6,011 admissions of aliens to the continental United States from the possessions.[8]

[6] See appendix IV, tables 10, 11, 12, 13, and 14, pp. 822-826.
[7] See appendix IV, tables 17, 19, 20, and 21, pp. 828-831.
[8] See appendix IV, tables 16 and 18, pp. 827, 829.

CHAPTER II

CHARACTERISTICS OF THE POPULATION OF THE UNITED STATES

A. Historical Composition of the Population

1. INTRODUCTION

At the time the first United States census was taken in 1790, little attention was paid to the nationality of those being counted and it was not until later that any attempt was made to ascertain what nationality groups comprised the young Nation. An analysis of the white population by nationality, as indicated by the names of heads of families reported at the first census, was made in 1900 by the Bureau of the Census. While not entirely accurate, the analysis was, nevertheless, considered to be a fair indication of the nationality percentages in 1790.[1]

That analysis by nationality showed that 83.5 percent of the total white population at that time was composed of persons of English stock. This percentage, plus that for Scotch (6.7 percent) and Irish (1.6 percent) stock, represented a little over 90 percent of the total. Germans constituted slightly less than 6 percent and Dutch 2 percent. The over-all nationality percentages were:

English	83.5	French	0.5
Scotch	6.7	Others	.1
Germans	5.6	Hebrews (1,243)	(1)
Dutch	2.0		
Irish	1.6	Total	100.0

[1] Less than one-tenth of 1 percent.

During the century and a half which has elapsed since the taking of the first census, there have occurred many changes in the composition of our population. While in 1790 there were but six nationalities represented in the complexion of the Nation, today approximately 30 white nationality groups are component parts of our population.

2. CHANGES IN NATIONALITY RATIOS

It was not until the inauguration of the quota system that an effective check was put on the number of those seeking to emigrate to the United States. There had been exclusion acts which barred certain races but, generally, until the inauguration of the quota immigration system, hardly any European who had passage money was barred from entering the country unless physical or mental defects excluded him. During one decade alone, from 1901 to 1910, over 2,000,000 Italians were admitted into the country.[2] During that

[1] U. S. Bureau of the Census, A Century of Population Growth (1909), pp. 116 ff.
[2] Francis J. Brown and Joseph S. Roucek, One America (1945), p. 632.

10-year period, the country's population increased by 15,977,691 persons, 8,795,386 of whom were immigrants. In other words, immigration exceeded the normal increase through births by 1,613,081. If this flow of immigration had continued, almost 40,000,000 immigrants would have entered the country between 1940 and the present time.

There has been, moreover, a marked change in the nationality composition of the foreign-born, as shown by census figures. For instance, in 1850, the foreign-born Irish in the country constituted 4.14 percent of the total population, while the Germans ranked second with 2.5 percent, and the English ranked third with 1.6 percent. In 1880, on the other hand, the German foreign born led all nationality groups with 1,996,742 or 3.9 percent, while the Irish were second with 1,854,571 or 3.6 percent of the total population. In 1910, after the greatest mass immigration in the country's history, the Germans still were in the lead with 2,311,085 foreign-born or 2.5 percent of the total population of the country; the Irish were second with 1.47 percent; the Italians were third with 1.46 percent; the Russians were fourth with 1.42 percent; and the Scandinavians were fifth with 1.36 percent. At the time of the last census, the most numerous of the foreign-born in the United States were the Italians, having 1,623,580 or 1.23 percent of the total population.[3]

3. FOREIGN-BORN POPULATION: PERCENTAGES

The census of 1850 marked the first time that the task of enumerating the foreign-born population of the United States was undertaken. Comparative tables below show actual and percentage changes of the foreign-born at intervals of 30 years.[4]

Nationality	Number	Percent	Nationality	Number	Percent
1850 [1]			*1910* [3]		
Irish	961,719	4.1	Italians	1,343,070	1.46
Germans	583,774	2.5	Russians	1,314,051	1.42
English	379,093	1.6	Scandinavians	1,250,662	1.36
Canadian	147,711	.6	English	1,219,968	1.32
			Polish	937,884	1.02
1880 [2]					
Germans	1,966,742	3.9	*1940* [4]		
Irish	1,854,571	3.6	Italians	1,623,580	1.23
English	917,598	1.8	Russians	1,346,679	1.02
Canadian	717,157	1.4	Central Europe	1,251,980	.95
			Germans	1,237,772	.94
1910 [3]			Canadians	1,065,480	.75
Germans	2,311,085	2.50	Polish	993,479	.71
Irish	1,352,155	1.46			

[1] Total foreign-born 2,244,602 or 9.6 percent of total population of 23,191,876.
[2] Total foreign-born 5,744,311 or 11.4 percent of total population of 50,155,783.
[3] Total foreign-born 13,345,545 or 14.5 percent of a total population of 91,972,266.
[4] Total foreign-born 11,419,138 or 8.67 percent of a total population of 131,669,275.

4. NATIONAL ORIGINS STUDY

Pursuant to the provisions of the Immigration Act of 1924, a thorough study was conducted to determine the composition on the basis of national origin of the white population of the United States.

[3] U. S. Bureau of the Census, Historical Statistics of the United States, Series B-279-303, p. 32.
[4] Ibid.

That study, based on the census of 1920, established how many people were direct descendants of the colonial stock which entered the country prior to the first census in 1790 and how many were descendants of the postcolonial stock which came after 1790.[5]

B. Races, Peoples, and Elements in the United States

1. INTRODUCTION

This is a concise study of the various racial and nationality groups which are component parts of the population of the United States today. These groups are discussed under the following classifications of geographic origin or racial groups: (1) Europe, (2) Asia, (3) Australia and New Zealand, (4) the Americas, (5) Jews, (6) Negroes.

2. EUROPE

a. Albanians

(1) Background of immigration

The Albanians were not enumerated separately in the census of 1940. Reliable estimates place the number of foreign-born Albanians in the United States at about 30,000 in 1944.[6] The fact that many Albanians who entered the country prior to World War I traveled on Greek or Turkish passports has made it somewhat difficult to secure accurate figures on the total number.

In general, Albanian immigration prior to World War I was composed of two distinct groups, those who decided to leave their country because of political reasons and others who emigrated because of economic conditions. Large numbers of these immigrants returned to their native country during the first decade after World War I.

The major portion of Albanian immigrants entered the United States between 1900 and 1920. Probably as many as 50,000 out of a total of 80,000 of these immigrants returned to Albania between 1919 and 1925.[7]

(2) Distribution of population

A large percentage of the Albanians in this country are located in Massachusetts, with Boston the center of population. Smaller groups are located in New York City, Philadelphia, Detroit, Chicago, Milwaukee, St. Louis, and Seattle. Estimated figures, based on the results of the 1940 census, show their distribution as follows:

State:	*Number*
Massachusetts	4,600
New York	1,800
Pennsylvania	1,300
Michigan	1,000
Ohio	900
Connecticut	800
Missouri	500

(3) Naturalization and assimilation

Only since 1924 have the Albanians been enumerated separately by the United States Immigration and Naturalization Service. Since

[5] The results of the 1920 national origins study are given in appendix XII, table 1, p. 886. The allocation of quotas is given in table 2, p. 886.
[6] Brown and Roucek, One America (1945), p. 235.
[7] Brown and Roucek, op. cit., p. 235.

that time, immigration from Albania has totaled 3,764 (through fiscal year 1948).[8] The annual quota is 100.

The Immigration and Naturalization Service's Annual Report for the fiscal year 1948 showed no enumeration of Albanian immigrants. However, between March 31, 1946, and June 30, 1948, 5 Albanians entered this country as displaced persons, under the terms of the Presidential directive of December 22, 1945.[9]

Between 1937 and the end of fiscal year 1948, 3,485 persons owing former allegiance to Albania were naturalized.[10]

(4) Employment

An interesting fact about Albanian immigration is that nearly all immigrants have come from the southern part of Albania and that almost all of them have given up their former pursuits as soldiers, sheepherders, livestock keepers, and farmers. In this country, many are employed in factories or industrial plants of various types. A few Albanian farmers are scattered through Worcester County in Massachusetts. Probably half of the Albanian population in America supports itself as tradespeople in restaurants, lunchrooms, grocery stores, and other business establishments.[11] [12]

(5) Religion—social organizations

Nearly all the Albanians in the United States are Christians, adhering chiefly to the Albanian Autocephalous Orthodox Church. A few are Roman Catholics. Moslems, who are in an overwhelming majority in the home country, are represented by a very small number among the Albanian-Americans.

Besides the Albanian Relief Fund, there are two sizable organizations, Free Albania, founded in 1941, and Vatra, a pan-Albanian federation, established in 1913, both of which are in Boston. There are also a number of small local societies such as the Dharda Bleta and the Panariti Shquiponja. Two weekly publications, The Sun (Dielli) and Liberty (Liria), are printed in Boston.[13]

(6) Crime

Probably because of their small numbers, there are no statistics available on the crime rate of the Albanians in this country.[14]

b. Austrians

(1) Background of immigration

The Austrians are a nationality group in the United States on whom statistics are not entirely complete. Prior to World War I, many Slav and other immigrants who arrived in the United States from what was then the Austro-Hungarian Empire were labeled "Austrian."

Austrians were first officially enumerated in this country in the census of 1870.[15] The causes of their immigration have been chiefly political and economic in nature.[16] No accurate data are available

[8] Immigration and Naturalization Service, Annual Report, 1948, table 4.
[9] Ibid., table 6B.
[10] Immigration and Naturalization Service, Annual Reports, 1945, 1946, 1947, and 1948.
[11] Brown and Roucek, op. cit., p. 235.
[12] For a study of occupation and employment in the United States, with particular reference to various alien and foreign-born groups, see sec. M, below, p. 274.
[13] Brown and Roucek, op. cit. 237-239; for a detailed study of religion in the United States, including various immigrant groups, see sec. K, below, p. 229.
[14] For a comprehensive comparative study of criminality among aliens and foreign-born groups, see section H, below, p. 180.
[15] Brown and Roucek, op. cit., p. 632.
[16] Maurice R. Davie, World Immigration (1936), pp. 116-122.

with respect to the first Austrian arrivals and their settlement in the United States. Since a large portion of the Austrians speak German, it is possible that many of them sought already established German communities and became assimilated there.

After 1880, Austria became increasingly important as a source of immigration to this country. The greatest influx was during the decade 1901 to 1910, when about 2,000,000 "Austrians" arrived, many of whom were really Slavs, and other groups. Shortly after World War I, Austria became a homogeneous republic. After the annexation of Austria by Germany in 1937, Austrian immigrants were counted as Germans (from 1938 through 1945).[17]

(2) Distribution of population

At the time of the 1940 census, there were 1,261,246 persons in this country who were classed as Austrian, 781,340 of whom were native-born and 479,906 of whom were foreign-forn.[18]

The foreign-born group consisted of 248,304 males and 231,602 females.

Of the foreign-born Austrians, 80 percent (383,209) lived in urban areas; 193,325 were males and 189,884 females. Only 13.6 percent (65,069) of the foreign-born were located in rural nonfarm areas; 37,108 were males and 27,961 females. The remainder—31,628, or 6.4 percent—were situated in rural-farm areas; 17,871 were males and 13,757 females.[19] Of the foreign-born group, 434,003, or 90.8 percent, were located in the North, while 30,579, or 6.1 percent were in the West, and 15,324, or 3.1 percent, were in the South. In 1940, a total of 172,347 Austrian foreign-born were in the State of New York.

(3) Naturalization and assimilation

Since the first enumeration of immigrants from Austria and Hungary in 1861, 4,150,252 immigrants have been legally admitted from this area, through June 30, 1948. Approximately 494,000 were Austrians who had been admitted since 1910. The number admitted during the fiscal year 1947 was 1,997.[20] During the fiscal year 1948, Austrian immigrants totaled 2,782, divided as follows: [21]

Class:	*Number*
Quota immigrants	[1] 1,692
Husbands of citizens	10
Wives of citizens	953
Unwed children of citizens	99
Wives, children of natives, nonquota countries	2
Ministers, wives, children	9
Professors, wives, children	17
Total	2,782

[1] Includes DP's.

The total number of displaced persons born in Austria who entered this country between May 20, 1946, and June 30, 1948, under the provisions of the Presidential directive of December 1945, totaled 2,040.[22]

[17] Brown and Roucek, op. cit., p. 210.
[18] New York World-Telegram, World Almanac (1949), p. 202.
[19] U. S. Bureau of the Census, Census of 1940, Population (1940) vol. II, pt. 1, table 14, p. 42; table 36, p. 88.
[20] Immigration and Naturalization Service, Annual Report, 1947, table 6.
[21] Immigration and Naturalization Service, Annual Report, 1948, table 6.
[22] Immigration and Naturalization Service, Annual Report, 1948, table 6 B.

In addition to the 2,782 Austrians admitted during the fiscal year 1948, 178 students were admitted under the terms of section 4 (e) of the Immigration Act of 1924. Since 1908, when the Immigration and Naturalization Service first began to enumerate emigrant aliens, nearly 300,000 aliens from Austria have returned to their native country from the United States.

In 1920 only 37.7 percent of the foreign-born Austrians were naturalized. By 1930 63 percent were naturalized, and by 1940, 66.2 percent. The average naturalization rate for all foreign-born in 1940 was 64.6 percent.[23] Naturalization of those claiming Austria as their place of nativity was, for recent years, as follows: 1946, 6,357; 1947, 1,930; 1948, 1,357. From 1938 to 1946 Austrians being naturalized were counted in with German nationals.

In recent years, scarcely any Austrians have returned to their native country. The annual reports of the Immigration and Naturalization Service for the years 1947 and 1948 fail to show any Austrian immigrants leaving the United States.

(4) Crime

A Nation-wide census of Federal and State penitentiaries and reformatories, and county and city jails, covering persons 15 years of age and over, shows a commitment to State and Federal penal institutions ratio of 0.45 per 1,000 population for Austrian-born.[24] The over-all crime ratio for foreign-born Austrians, including commitments to State, Federal, and local penal institutions, was 5.1 per 1,000.

c. Belgians

(1) Background of immigration

The Belgians were among the earliest of the Europeans who settled this country, a small group having arrived in the vicinity of what is now New York around 1623.

Although Belgium is the most densely populated country in Europe, it has never furnished a great volume of immigration, due largely to the fact that it has been a comparatively prosperous country.[25] What emigration there has been has come mainly to the United States, admissions totaling 164,610 from 1820 to 1947. The great majority came after 1880, particularly in the first decade of the twentieth century. Entries from Belgium for 1947 were 5,852—1,306 quota immigrants, 902 nonquota immigrants, and 3,644 nonimmigrants. An estimated 75 percent of the Belgians in this country are Flemish; the remainder are Walloons.[26] The present annual quota for Belgium is 1,304.

Belgium, like France, has more immigrants than emigrants. While most of the emigrants come to the United States, other countries (other than European) offer some attraction, Canada, Brazil, Argentina, and South Africa receiving small numbers of Belgians from time to time.

Between 1908 and 1947, some 19,310 persons of Belgian origin emigrated from the United States.

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[23] Brown and Roucek, op. cit. p. 657.
[24] U. S. Bureau of the Census, Prisoners in State and Federal Penitentiaries and Reformatories 1933 (1935), table 25, p. 29; ibid., Prisoners in Jails and Other Penal Institutions Under County or Municipal Jurisdiction 1933 (1935), table 25, p. 37.
[25] Brown and Roucek, op. cit., p. 90.
[26] Brown and Roucek, op. cit., p. 90.

(2) Distribution of population

Total foreign white stock of Belgian origin in the United States in 1940 was 130,358, of whom 53,958 were foreign-born.[27] They live chiefly in Michigan, Illinois, and New York. Substantial numbers can also be found in Wisconsin, Pennsylvania, California, Indiana, Minnesota, New Jersey, Ohio, Massachusetts, Washington, Kansas, Iowa, and Missouri. The chief urban areas of Belgian settlement in this country are Detroit, Chicago, New York, Los Angeles, San Francisco, and St. Louis.

A post-World-War-I migration of Flemings settled in the industrial centers at the head of the Great Lakes. The immigrants who composed this group were mainly skilled machine workers and craftsmen.

In 1940, 29,279 of the foreign-born Belgians were males and 24,679 were females. Urban areas contained 39,333, of whom 20,682 were males and 18,651 females. A total of 6,911 were living in rural nonfarm areas—3,895 males and 3,016 females. Rural farm areas had 7,714 (4,702 males and 3,012 females).[28]

As of 1940, some 46,070 Belgians were located in the northern and eastern section of the country, whereas the South had only 2,176 and the West only 5,712.[29]

(3) Naturalization and assimilation

The Belgians assimilate readily into our way of life, and the majority are rapidly Americanized. As of 1940, nearly 70 percent had become American citizens.[30] Of 476 naturalized in 1947, over 50 percent (246) had been admitted into this country since 1940, while about one-sixth of those naturalized in 1947 had been here for 30 years or more.[31]

Flemish, English, and French are among the languages and dialects spoken by the Belgians. In 1940, a total of 54,340 persons in the United States listed Flemish, a variant of the Dutch language, as the mother tongue.[32] The Walloons are a French-speaking group.

The Belgian-American newspapers, De Gazette van Moline (Moline, Ill.) and De Gazette van Detroit (Detroit, Mich.) are printed in Flemish.[33]

Among Belgian organizations in this country, the following may be mentioned: Belgian-American Associates (New York), Belgian Information Center (New York), Belgian American Educational Foundation, Inc. (New York), and United Belgian Societies (Chicago). The Belgian Press Association, Inc. issues a monthly magazine, Belgium.

(4) Employment

Many Belgian-Americans are engaged in agricultural and related pursuits, such as truck farming; others are adapted to various arts and crafts: weaving, leather and woodworking, pottery making, gem cutting, and textile and metalwork; many are found in mills and factories. Some are architects, masons, glass blowers, cooks, and bakers.[34]

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[27] U. S. Bureau of the Census, Census of 1940, Population (1940), vol. II, pt. I, p. 42.
[28] U. S. Bureau of the Census, Census of 1940, Population (1940), vol. II, pt. I, p. 42.
[29] Ibid., p. 88.
[30] Brown and Roucek, op. cit., pp. 91-92.
[31] Immigration and Naturalization Service, Annual Report (1947), table 46.
[32] U. S. Bureau of the Census, Statistical Abstract of the United States (1948), p. 37.
[33] Brown and Roucek, Op. cit., pp. 91-92.
[34] Ibid., pp. 90-91.

(5) *Education—Religion*

The illiteracy percentage for Belgium (in 1930) was, for males, 5.46 percent, and, for females, 6.38 percent.[35] Although Belgium reduced its percentage of illiteracy from 30.26 percent in 1880 to 9.3 percent in 1920, only a small percentage of the pupils attended school beyond the minimum requirement of law (13 years).[36] The present system provides free and universal education between the ages of 6 and 14.

The percentage of illiteracy for foreign born Belgians 10 years of age and over in the United States was 6.4 percent in 1930.[37]

The existence of both Flemish and French as national languages in Belgium has, perhaps, been a handicap to its educational progress. Although a majority of the people speak Flemish, it was not introduced into the schools until 1883.[38]

By and large, the Belgians are adherents of the Catholic Church, which is frequently their social as well as their religious center.[39] In the old country, religious instruction is required in elementary schools; the children are not, however, required to remain in class while religious instruction is being given.[40]

(6) *Crime*

Few statistics are available with regard to the crime rate of Belgian-Americans. Figures for 1923 showed a foreign-born commitment ratio, for all types of offenses, of 183.5 per 100,000 population (for the period January 1 to June 30).[41]

d. Bulgarians

(1) *Background of immigration*

The beginning of Bulgarian immigration to the United States dates back to the latter half of the nineteenth century. Later immigration of Bulgarians has been encouraged by letters from the first immigrants.[42]

When the Balkan War broke out in 1912, thousands of Macedonian volunteers gathered in New York on their way to Macedonia, where they joined the Macedonian Legion of the Bulgarian Army. Not many Bulgarian-Americans, however, returned to their native country at the outbreak of World War I in 1914. By 1918, there were only a few Bulgarian colonies in America, and most of these were in Central and Eastern States.[43]

The number of Bulgarians and Bulgarian-Macedonians in the United States today is a matter of conjecture. Before 1913, Macedonian-Bulgars arrived in this country as Turks. After the division of Macedonia they entered as Greeks, Yugoslavians, or Bulgarians.[44] The total white Bulgarian stock in this country in 1940 was 15,688 [45] (8,888 were foreign-born); yet 66,009 gave Bulgarian as their native tongue. It has been stated that many Bulgars came here illegally,

[35] Warren S. Thompson, Population Problems (1942), p. 122.
[36] H. G. Duncan, Immigration and Assimilation (1933), p. 87.
[37] Maurice R. Davie, World Immigration (1936), p. 265.
[38] H. G. Duncan, op. cit., p. 87.
[39] Brown and Roucek, op. cit., p. 91.
[40] H. G. Duncan, op. cit., p. 88.
[41] U. S. Bureau of the Census, Prisoners, 1923 (1926), p. 94.
[42] Brown and Roucek, op. cit., p. 168.
[43] Ibid p. 170.
[44] Ibid., p. 168.
[45] Ibid., p. 639.

while others were registered according to their passports, which might have been issued by Serbia, Greece, Turkey, or Rumania. Bulgarian authorities estimate the real number of Bulgarian Americans, including Macedonians after World War I, to be about double the census figures.[46]

(2) Distribution of the population

Of the 8,888 foreign-born Bulgarians in the United States in 1940 (6,858 males and 2,030 females), 6,901 or 77.6 percent were in urban areas (5,169 males and 1,732 females), 1,262 or 14.2 percent were in rural nonfarm areas (1,093 males and 169 females), and 725 or 8.2 percent were in rural farm areas (596 males and 129 females).[47]

Like most of the other immigrant groups, the Bulgarians are located chiefly in the northern section of this country. Of the foreign-born Bulgarians, 6,910 or over 77.7 percent lived in the North, 1,555 or 17.7 percent in the West, and 423 or 4.6 percent in the South in 1940. Ohio, with 1,461, and Michigan, with 1,425, led all other States in total foreign-born Bulgars.[48]

The Bulgarian-Americans are now chiefly located in Michigan, Pennsylvania, Ohio, California, New York, and Illinois. They have settled principally in cities like Detroit, Rochester, Gary, Toledo, Akron, Cleveland, Columbus, and Chicago.

(3) Naturalization and assimilation

At least 66,077 Bulgarians had entered this country legally through the fiscal year 1947. Bulgaria, Serbia, and Montenegro were first reported for immigration statistics in 1899. Since 1920, Bulgaria has been reported separately. During the fiscal year 1948, 132 Bulgarian immigrants were admitted into the United States, divided as follows:[49]

Class:	Number
Quota immigrants	[1] 81
Wives of citizens	37
Unwed children of citizens	10
Wives, children of natives from nonquota countries	1
Ministers, wives, children	3
Total	132

[1] Includes 32 DP's.

In addition, during the fiscal year 1948, 16 Bulgarian students entered the United States under section 4 (c) of the Immigration Act of 1924. The annual Bulgarian quota is 100.

No statistical information is available with regard to the total number of Bulgarians naturalized in this country. Figures for recent years are as follows: [50]

	Number		Number
1944	542	1947	137
1945	293	1948	92
1946	247		

During the fiscal year ending June 30, 1948, 12 Bulgarians, Serbians, and Montenegrins were excluded from the country.[51]

Of the Bulgarian and Macedonian publications in this country, the Macedonian Tribune and the National Herald are typical.

[46] Ibid., p. 170.
[47] U. S. Bureau of the Census, Census of 1940, Population (1940), vol. II, pt. I, table 14, p. 42.
[48] Ibid., table 36, pp. 88-89.
[49] Immigration and Naturalization Service, Annual Report, 1948, tables 4 and 6.
[50] Ibid., table 39.
[51] Ibid., table 21.

(4) Education—Religion

Statistics on the degree of education of Bulgarians in this country are not available.

In Bulgaria itself, more than 80 percent of the people belong to the Eastern Orthodox Church, and this is the principal religious affiliation of Bulgarians in the United States.

(5) Crime

Bulgarians were not enumerated separately when the last Nation-wide census of prisons and jails was made, and no figures are available by which to ascertain the crime ratio of the Bulgarians. As of December 31, 1931, when the foreign-born Bulgarians in the United States numbered 9,399, 30 deportable Bulgars were in State and Federal prisons and reformatories; 8 were in Michigan institutions, and 6 in Ohio.

e. Czechoslovaks

(1) Background of immigration

Czech immigrants began coming to the United States in the Seventeenth century in small numbers. Religious differences at home were largely responsible for this early Czech migration. A colony of Moravians settled in Bethlehem, Pa., where they founded the Moravian seminary in 1742, and in Salem, where they established Salem College in 1771.[52]

Slovak immigration exceeded in numbers Czech immigration, although the Czechs began migrating at an earlier date. For the period 1809–1910, the number of Slovaks entering the country was 377,527, while the number of Czechs totaled 100,189.[53] The annual quota for Czechoslovakia is 2,874.

As in the case of several other groups whose countries of origin attained independence after World War I, accurate statistics on some phases of Czechoslovak immigration are lacking. In 1940, there were nearly 1,000,000 Czechs, both native-born and foreign-born, in the United States. The decade 1921–30 witnessed an influx of 102,194 Czechoslovaks, the peak year being 1921. During the fiscal year 1948, 3,865 were legally admitted to the United States,[54] an increase of 1,812 over the 2,053 legally admitted in 1947.[55] The 1948 group was divided as follows:

Class:	*Number*
Quota immigrants	[1] 2,831
Husbands of citizens	18
Wives of citizens	626
Unwed children of citizens	197
Wives, children of natives, nonquota countries	2
Ministers, wives, children	141
Professors, wives, children	48
Other classes	2
Total	3,865

[1] Includes DP's.

There were also 266 Czechoslovak students admitted during the fiscal year 1948, under section 4 (e) of the Immigration Act of 1924.

[52] H. G. Duncan, Immigration and Assimilation (1933), p. 300.
[53] Id.
[54] Immigration and Naturalization Service, Annual Report, 1948, table 6.
[55] Ibid., 1947, table 6.

Between March 30, 1946, and June 30, 1948, a total of 2,266 displaced persons from Czechoslovakia entered the United States under the President's directive of December 22, 1945.

A total of 12 Czechs and 26 Slovaks were excluded at various ports of entry during the fiscal year 1948.[56] Only 64 Czechs returned to their native country during that year; 39 were male, and 25 female. Only 5 were below the age of 20, while 47 were between 35 and 70.[57]

(2) Distribution of population

There were 984,591 Czechoslovaks in this country[58] in 1940; 664,620 were native-born and 319,971 were foreign-born. The foreign-born included 161,838 males and 158,133 females.[59]

The major portion of the foreign-born Czechs, 227,546, or 72.6 percent, were located in urban areas; 112,380 were male and 115,166 female. Of a total of 49,858 foreign-born Czechs living in rural nonfarm areas, 26,319 were males and 23,539 females. Of 42,567 in rural farm areas, 23,139 were males and 19,428 females. Of the 319,971 Czechoslovaks in the United States in 1940, 291,493, or 91.1 percent, lived in the North, 17,722, or 5.5 percent, lived in the South, and 10,756 or 3.4 percent lived in the West. Every State in the Union had some, Pennsylvania and Illinois leading with 59,394 and 54,914, respectively;[60] Texas had 9,171, or nearly 3 percent of the total.

(3) Naturalization and assimilation

The Czechs stand fairly high in percentage naturalized. In 1940, 68 percent had been granted citizenship, while naturalization for all foreign stock averaged 64.6 percent.[61] Naturalization in recent years of those claiming Czechoslovakia as their place of nativity was as follows:[62]

1944	12,899
1945	5,878
1946	4,165
1947	2,239
1948	1,459

Over 8 percent of those naturalized in 1948 were professional and semiprofessional workers.

The process of Americanization has been least effective among the Czech-Americans of Texas, where many of them, although of the third American-born generation, can still speak Czech.[63] There are approximately 300,000 Czechs in Texas, perhaps equally divided between Bohemians and Moravians, with less than 1 percent Slovaks. It is estimated that 95 percent of these Texan Czechs are home owners.

In 1940, 520,440 people in the United States claimed the Czech language as their mother tongue.[64] Czech is taught as a regular subject in two public schools of Illinois (Chicago and Cicero), as well as in a number of Texas public schools. The Council of Higher Education of Chicago, founded in 1902, helps students of Czechoslavak

[56] Ibid., 1948, table 21.
[57] Ibid., table 14.
[58] World Almanac, 1949, p. 202.
[59] U. S. Bureau of the Census Census of 1940, Population (1940), vol. II, pt. 1, table 14, p. 42.
[60] Ibid., table 36, pp. 88-89.
[61] Brown and Roucek, One America (1945), p. 657.
[62] Immigration and Naturalization Service, Annual Report, 1948, table 39.
[63] Brown and Roucek, op. cit., p. 150.
[64] U. S. Bureau of the Census, Statistical Abstract of the United States, 1948 (69th ed.) (1948), table 37, p. 37.

origin finish their college and university studies by lending them money without interest.[65]

Over 50 Czech publications have a known circulation of more than 394,000, and 31 Slovak publications have over 215,000 circulation.[66] The Slovak press is concentrated in the East, with 24 periodicals (chiefly in Pennsylvania), while the Czech press exists largely in the Middle West.

(4) Education—Religion

Our early Czech immigrants were a mixture of educated people, peasants, agricultural and domestic laborers. Many of the laborers had had extremely limited opportunities. Those who have come here in recent years have been better trained, as shown by the fact that they have the lowest percentage of illiteracy and highest percentage of skilled labor among our immigrant groups. The Slovaks, coming from a different environment, have had a higher percentage of illiteracy.[67]

Upon their arrival in America, many Czechs and, to a lesser extent, Slovaks drifted into a kind of philosophy known as free thought, and some 480,000 Czechs are freethinkers today. Approximately 300,000 Slovaks are Catholic, 57,000 Protestant, 60,000 Greek Orthodox, and 160,000 freethinkers.[68] Altogether, catholicism claims at least 50 percent of all Czechoslovaks in America.

(5) Crime

In the last Nation-wide census of Federal and State penitentiaries and reformatories, county and city jails, of persons 15 years old and over, the general commitment ratio of foreign-born Czechoslovaks was only 0.15 per 1,000 population, and only 0.0107 for major crimes, distributed as follows: [69]

Crime:	*Number*	Crime—Continued	*Number*
Homicide	11	Rape	3
Robbery	4	Other sex offenses	5
Aggravated assault	2	Forgery	3
Other assault	1	Violation of liquor laws	3
Burglary	7	Other offenses	3
Larceny	5		
Auto theft	1	Total	52
Fraud, embezzlement	4		

f. Danes

(1) Background of immigration

The earliest authenticated arrival of Danes occurred in 1611. There were subsequent arrivals, and in 1639 Jonas Bronck, Jochim Petersen, and their families and friends settled along the Harlem River. As this colony grew, it became known as Bronck's Land, the origin of the name "Bronx." A number of Danes blended with the Dutch settlers in New Amsterdam; others joined the Swedish colony of New Sweden in Maryland and Pennsylvania, while still others, who belonged to the Moravian Church, found their way to the Moravian Brethren's colonies in Pennsylvania and North Carolina.[70]

[65] Brown and Roucek, op. cit., p. 153.
[66] Common Council on American Unity, Interpreter Release, vol. XXIV, No. 26, June 12, 1947, p. 199.
[67] H. G. Duncan, Immigration and Assimilation (1933), p. 301.
[68] Brown and Roucek, op. cit., p. 152.
[69] U. S. Bureau of the Census, Prisoners in State and Federal Penitentiaries and Reformatories 1933 (1935), table 25, p. 29.
[70] Brown and Roucek, op. cit., pp. 77 ff.

From 1820 through June 30, 1948, there was a total immigration of 338,085 persons from Denmark to the United States. The annual quota for Denmark is 1,181. Those admitted during the fiscal year 1948 were divided into the following classes: [71]

Class:	*Number*
Quota immigrants	[1] 1,172
Husbands of citizens	5
Wives of citizens	122
Unwed children of citizens	12
Wives, children of natives	-----
Nonquota countries	5
Ministers, wives, children	8
Professors, wives, children	4
Total	1, 328

[1] Includes DP's.

Between March 31, 1946, and July 1, 1948, only one Danish DP entered the country under the terms of the Presidential directive of December 22, 1945.[72] During the fiscal year 1948, 38 Danish students were admitted under section 4 (c) of the Immigration Act of 1924.

While there is no indication that any Danes were excluded from entry during the fiscal year 1948, available figures show that 29 aliens were deported to Denmark for the following reasons: [73]

Cause:	*Number*
Criminal	5
Immorality	1
Mental, physical defects	1
Overstay	8
Improper documents	7
Abandoned status	3
False statements, etc	4
Total	29

During the 1948 fiscal year, of 151 Danish seamen who deserted their vessels while in American ports, 94 deserted from Danish ships, 36 from Swedish ships, and 13 from Norwegian ships.[74]

Since 1908, 17,207 immigrants from Denmark have returned to their country of origin from this country.[75] During the fiscal year 1948, 285 aliens emigrated to Denmark.[76]

(2) Distribution of population

Of the 443,815 Danes in this country in 1940, 305,640 were native-born and 138,175 foreign-born. Of the foreign-born, 83,825 were male and 54,350 female; 83,881, or 60.7 percent, were living in urban areas (49,515 males and 34,366 females); 29,017, or 21 percent, lived in rural farm areas (18,844 males and 10,173 females); and 25,277, or 18.3 percent, were in rural nonfarm areas (15,466 males and 9,811 females).[77]

Only 3.3 percent of the foreign-born Danes were located in the South at the time of the 1940 census.[78] States having relatively large numbers of Danish foreign-born were California, with 19,726 or 14.3

[71] Immigration and Naturalization Service, Annual Report, 1948, tables 4, 6, and 7.
[72] Visa Division, State Department, Final Report, October 5, 1948.
[73] Immigration and Naturalization Service, Annual Report, 1948, table 24.
[74] Immigration and Naturalization Service, Annual Report, 1948, table 22.
[75] Brown and Roucek, op. cit., p. 636; Immigration and Naturalization Service, Annual Report, 1948, table 13.
[76] Immigration and Naturalization Service, Annual Report, 1948, table 13.
[77] U. S. Bureau of the Census, Census of 1940, Population, 1940, vol. II, pt. 1, table 14, p. 42.
[78] Ibid., table 36, pp. 88-89.

percent of the total; New York, with 14,304; Illinois, with 13,869; and Iowa and Minnesota, with over 10,000 each. There were foreign-born Danes in every State of the Union. Their general geographical distribution was:

Area	Number	Percent
North	95,567	69.2
West	38,056	27.5
South	4,552	3.3

(3) Naturalization and assimilation

Between 1939 and 1948, 17,429 Danes or persons claiming Denmark as their country of origin became naturalized citizens, 446 in the fiscal year 1948.[79] It appears that naturalization of Danes has been higher than that of any other nationality group.[80] In 1940, while the percentage of all foreign-born naturalized was 64.6 percent, the percentage of Danes naturalized stood at 78.1 percent. Following are the number of Danes naturalized during the past five fiscal years:[81]

1944	2,733	1947	577
1945	1,337	1948	446
1946	894		

The Danes have several social and fraternal organizations in this country. The Danish Brotherhood of America, founded in 1882, has well over 300 lodges and a membership of approximately 17,000. The Danish Sisterhood of America was organized 3 years later and has about 150 lodges. Smaller groups are the United Danish Societies, the Danske Forening Dania of California and Nevada, and others of purely social character. The Danish People's Society has as its purpose the preservation of the social heritage of the Danish immigrants. The Danish American Association has established a national park in the moorlands of Jutland, Denmark, where the Fourth of July is celebrated each year under the Danish flag and the Stars and Stripes.[82]

Of the Danish newspapers established in the past, few have survived. The Pioneer, published in Omaha, Nebr., since 1872, is one of the oldest and was for many years the leading Danish paper in the country. The Dannevirke, published in Cedar Falls, Iowa, has been the official publication of the Danish Lutheran Church since 1880. Others are the Nordlyset of New York and the Ugeblad of Tyler, Minn.[83]

(4) Employment

About 50 percent of the Danes in the United States own farms, and nearly 60 percent are in agricultural pursuits. The first really permanent settlement of Danish farmers immigrating to this country after 1800 was founded in 1845 in Waukesha County, not far from Milwaukee. Later Racine was settled, and soon several Danish communities were growing in that area. After saving money, a number of these families went further west to build larger settlements in Minnesota, Iowa, Nebraska, Kansas, and the Dakotas.[84]

[79] Immigration and Naturalization Service, Annual Report, 1948, table 39.
[80] Brown and Roucek, op. cit., p. 636; Immigration and Naturalization Service, Annual Report, 1948, table 13.
[81] Immigration and Naturalization Service, Annual Report, 1948, table 39.
[82] Brown and Roucek, op. cit., p. 73 ff.
[83] Ibid.
[84] Ibid.

(5) Education—Religion

The Danes are a literate group, and many speak more than one language fluently. The major portion of the Danes, as well as of the Danish-Americans, are Lutherans. Because of early religious differences at home, many Danes emigrated during the Nineteenth century. The number of Danes who migrated to America for political reasons comprised only a minor part of the total immigration.

(6) Crime

The last census of prisons and jails showed a felony crime rate for Danes of 0.1 per 1,000 foreign-born population, while the ratio for all crimes, including misdemeanors and minor offenses, was 0.2 per 1,000. The major crimes for which Danes were incarcerated were:[85]

Crime:	*Number committed*	Crime—Continued	*Number committed*
Aggravated assault	1	Forgery	3
Robbery	3	Auto theft	1
Burglary	5	Other offenses	2
Larceny	2		
Fraud, embezzlement	3	Total	20

g. Dutch

(1) Background of immigration

The first Dutch settlement in America was at New Amsterdam (New York) in 1621. Only a few Dutch settlers came to this country during the seventeenth century and when New Amsterdam was taken by the English in 1664 not over a third of the inhabitants were Hollanders.[86]

The nucleus of the Dutch population in New York State was the settlement west of the lower Hudson. Until 1800, Dutch was the prevalent speech of northern New Jersey. It should not, however, be inferred that the entire population there was of Dutch stock. German and French settlers, by adopting the speech of the majority, had become identified with the Dutch. By 1790 a total of 106,750 Dutch were living in the territory covered by the United States.[87]

Religious differences were the primary and fundamental causes of the emigration of the Dutch to Michigan in 1847.[88] Desire to better their economic status was also a powerful influence.[89]

Emigration from the Netherlands in the nineteenth century was similar to that of the German and Scandinavian. From 1841 to 1902 more than 135,000 people arrived in the United States from the Netherlands; between 1880 and 1890 there were at least 53,000; and in the next 5 years about 25,000 came. The numbers declined sharply thereafter.[90] Total Dutch immigration for the period 1820 to 1948 was 262,209. The present annual quota is 3,153. Over 16,000 aliens emigrated from this country to Holland between 1908 and 1947.

(2) Distribution of population

Census figures for 1940 show a total Dutch population in this country of 372,384, of whom 261,320 were native-born of foreign or mixed

[85] U. S. Bureau of the Census, Prisoners in State and Federal Penitentiaries and Reformatories, 1933 (1935), table 25, p. 29.
[86] H. G. Duncan, Immigration and Assimilation (1933), p. 90.
[87] Brown and Roucek, op. cit., pp. 82-83.
[88] W. C. Smith, Americans in the Making (1939), p. 5.
[89] Ibid., p. 25.
[90] G. M. Stephenson, A History of American Immigration (1926), pp. 54-55.

parentage and 111,064 were foreign-born. Of the foreign-born, 64,777 were males and 46,287 females. Moreover, 67,586, or approximately two-thirds, were located in urban areas (38,724 males and 28,862 females); 18,940 were situated in rural nonfarm areas (11,014 males and 7,926 females); and 24,538 were in rural farm areas (15,039 males and 9,499 females).[91]

Of the Dutch foreign-born in this country in 1940, 89,937, or approximately 80 percent, were in the North. The South had only 3,076, while the West had 18,051.[92] Those who arrived from 1880 to 1930 tended to settle in the Middle West, but a substantial number remained in the East, particularly in the Passaic and Paterson areas of New Jersey.

The chief places of residence of persons of Dutch origin in the United States (1940) were as follows: Michigan, Illinois, New York, New Jersey, Iowa, California, Wisconsin, Minnesota, Washington, South Dakota, and Indiana. The cities of Grand Rapids, Mich.; Chicago; New York; Paterson, N. J.; Los Angeles; Detroit; Cleveland; San Francisco; Milwaukee; and St. Louis had substantial numbers of persons of Dutch stock.

A few isolated attempts of the Dutch to colonize Colorado, Texas, and Florida failed because of their unfamiliarity with the soil and because of weather conditions foreign to the temperate climate of Holland.[93]

(3) Naturalization and assimilation

It has been said that religious conservatives among the Dutch cling to the Dutch language and customs.[94] Pieters commented that the Dutch immigrants in Michigan apparently felt "that the settlers should come to America but not be of it. They should maintain a little 'Holland,' retaining their own language, customs, and religion." [95] As the Hollanders came in large numbers and lived together in the settlement, the process of assimilation was slow.

Long after the Dutch language ceased to be used in business and in religious services, it continued to be used in the home, in some homes until the middle of the nineteenth century. In 1940, 267,140 persons in this country listed Dutch as the mother tongue.[96]

Only three Dutch papers in this country, Knickerbocher Weekly, Standard Bulletin, and Missionary Monthly Reformed Review, have a circulation above 3,500, and each of these prints articles in both English and Dutch.[97] Other Dutch publications in this country are The Banner (Grand Rapids), Netherlands News (New York), Pella's Weekblad (Pella, Iowa), Hollandische Amerikaan (Kalamazoo, Mich.).

Among the Dutch organizations in this country are the following: Netherlands Information Bureau, Dutch Jewish Representative Committee, Netherlands Jewish Society, Union of Netherlands Societies.

In 1948, 716 persons of Dutch birth were naturalized, 10 of whom had entered 50 to 60 years prior to naturalization.[98] As of 1940,

[91] U. S. Bureau of the Census, Census of 1940, Population, 1940, vol. II, pt. I, table 14, p. 42.
[92] Ibid., table 36, pp. 88-89.
[93] Brown and Roucek, op. cit., p. 84.
[94] Ibid., p. 87.
[95] A. J. Pieters, The Dutch in Michigan (1923), p. 130.
[96] U. S. Bureau of the Census, Statistical Abstract of the United States, 1948, p. 37.
[97] Brown and Roucek, op. cit., pp. 86-87.
[98] Immigration and Naturalization Service, Annual Report, 1948, table 46.

71.8 percent of the Dutch immigrants in this country had become naturalized, placing them ninth in rank among foreign groups.[99]

(4) Employment

The Dutch, like numerous other nationality groups in the United States, are engaged in a variety of occupations, based largely on the background and interests of the individual. A large number are in agricultural and related pursuits. The rural Dutch immigrants made pronounced efforts to locate land and climate in America similar to that in the old country. The Dutch may also be found in industry and science, and a large number of native Netherlanders are on the faculties of our colleges and universities.[1]

(5) Education—Religion

Education in the Netherlands is free and compulsory between the ages of 6 and 13, both in public and denominational schools. Thus, Holland has a very low rate of illiteracy, which is reflected in the Dutch immigrants who have come to America. Only 0.6 percent of the adult population of Holland is illiterate.[2]

Today, the chief religious faith of the Dutch in America is the Dutch and Calvinist Reformed Church. There is a minority of other denominations, including Roman Catholic, a Dutch Roman Catholic migration to the United States having occurred about the middle of the nineteenth century.[3] Mission work and charity are prominent activities.

(6) Crime

A total of 20 foreign-born white felony prisoners of Netherland birth were received in State and Federal prisons and reformatories during 1940,[4] a felony commitment ratio of 18 per 100,000 population.

The crimes for which foreign-born Dutch were most frequently committed, according to the 1933 prisons and jails census, were burglary, sex offenses (except rape), homicide, larceny, and forgery. The offenses most frequently committed by the native white of foreign or mixed Dutch parentage were substantially the same as for the foreign-born. Of a total of 3,163 foreign-born white prisoners received by State and Federal prisons and reformatories, 21 were of Netherland birth. Of a total of 8,829 native white prisoners of foreign or mixed parentage received by State and Federal prisons and reformatories, 71 were of Netherland parentage.[5]

h. Esthonians

(1) Background of immigration

The first Esthonian immigrants landed in this country about 1870. The largest number arrived between 1905 and 1908, although the flow of immigration remained fairly steady until 1914.[6] During the fiscal year 1948, 225 Esthonians were legally admitted into the United States [7] as follows:

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[99] Brown and Roucek, Op. cit., p. 657.
[1] Ibid., p. 89.
[2] H. G. Duncan, Immigration and Assimilation (1933), p. 87.
[3] Brown and Roucek, op. cit., pp. 83-85.
[4] U. S. Bureau of the Census, Prisoners in State and Federal Prisons and Reformatories, 1940 (1943), table 27, p. 36.
[5] U. S. Bureau of the Census, Prisoners in State and Federal Prisons and Reformatories, 1930 (1933) table 25, p. 29.
[6] Brown and Roucek, One America (1945), p. 195.
[7] Immigration and Naturalization Service, Annual Report, 1948, table 6.

Class:	Number
Quota immigrants	[1] 127
Husbands of citizens	1
Wives of citizens	80
Wives, children of natives, nonquota countries	1
Ministers, wives, children	15
Professors, wives, children	1
Total	225

[1] Includes DP's.

Between March 31, 1946, and June 30, 1948, 98 Esthonians were admitted to this country as displaced persons under the Presidential directive of December 22, 1945.[8] The annual immigration quota for Esthonia is 116.[9]

(2) Distribution of population

According to figures of the Census Bureau, there were only 6,658 Esthonians in the United States in 1940, of whom 4,178 were foreign-born and 1,480 were native-born. Some Esthonian leaders believe, however, that there were at least 60,000 Esthonians here in 1940.[10]

The first arrivals settled in seaports such as New York and San Francisco. Some have, however, gone into farming, and have settled in the vicinity of Irma and Gleason, Wis., and Tacoma and Spokane, Wash. As a rule Esthonian-Americans tend to stay in larger cities near the coast. Some 2,000 are located in Massachusetts, Connecticut, and Rhode Island, in addition to about 1,000 in Vermont, New Hampshire, and Maine. Bureau of the Census figures for the distribution of the foreign-born Esthonians show that this group resides mainly in the Middle Atlantic States and in California. Over 50 percent reportedly live in New York City.[11]

(3) Naturalization and assimilation

During the 10-year period ending June 30, 1948, a total of 1,359 Esthonians had been naturalized, 63 during the fiscal year 1948.[12] Naturalization for recent years was as follows:

	Number		Number
1944	261	1947	107
1945	138	1948	63
1946	105		

The principal tie which Esthonian immigrants have with their homeland is the Esthonian press, which has, however, been ineffectual, because few have subscribed. Two Esthonian newspapers were started before World War I and soon went out of existence. The only Esthonian periodical in this country in 1945 was the Meie Tee (Our Path), published monthly in New York City by the Esthonian Educational Society. There are no Esthonian church schools.[13]

(4) Employment

In industrial cities of the Great Lakes area, numerous Esthonians are employed as sailors on lake ships. In small cities, they are often locksmiths and mechanics. Quite a number have gone into farming and related pursuits.

[8] Department of State, Visa Division, Final Report, October 5, 1948.
[9] Immigration and Naturalization Service, Annual Report, 1948, table 7.
[10] Brown and Roucek, One America (1945), p. 196.
[11] Ibid.
[12] Immigration and Naturalization Service, Annual Report, 1948, table 39.
[13] Brown and Roucek, op. cit., pp. 196–199.

(5) Religion

In their native land, nearly 80 percent of the Esthonians are Lutherans, and 19 percent are Greek Orthodox.[14] This affords an indication of the religious composition of the Esthonians in America.

(6) Crime

No statistics are available on the crime rate of Esthonians in this country.

i. The Finns

(1) Background of immigration

Inasmuch as Finland was an integral part of the Kingdom of Sweden from the Viking period to the eighteenth century, independent Finland inherited a large Swedish-speaking population, especially in the coastal areas. Over 10 percent of the population of Finland spoke Swedish before 1939 and the Swedish-Finnish element is represented in American immigration. The first Finns to come to America appear to have accompanied a group of Swedes who established a colony in what is now Delaware during the seventeenth century.[15]

After the first period of Finnish colonization, there was a long time during which no Finnish immigrants are known to have come to America. For some time prior to 1867, there was a notable immigration of Finns to Alaska. Many Finns who arrived there as seamen remained as settlers.[16] Practically all other Finnish emigrants have gone to the United States.[17]

The Finnish population in the United States totaled 284,290 in 1940. A total of 19,930 Finns were admitted between 1910 and 1943.[18] The annual quota for Finland is 569. During the fiscal year 1948, 693 Finnish immigrants were admitted into the United States, in the following classes:[19]

Class:	*Number*
Quota immigrants	[1] 516
Husbands of citizens	4
Wives of citizens	92
Unwed children of citizens	54
Wives, children of natives nonquota countries	1
Ministers, wives, children	13
Professors, wives, children	10
Other classes	3
Total	693

[1] Includes DP's.

Between March 31, 1946, and June 30, 1948, 16 Finnish displaced persons were admitted into the United States. In addition, 40 Finnish students were admitted during the fiscal year 1948. During that same period, 16 Finns were excluded from the United States at various ports of entry,[20] while 48 aliens were deported to Finland, for the following reasons: [21]

[14] World Almanac (1949), p. 512.
[15] Brown and Roucek, op. cit., pp. 199–200.
[16] Ibid., p. 200.
[17] H. G. Duncan, Immigration and Assimilation (1933), p. 347.
[18] Brown and Roucek, op. cit., p. 632.
[19] Immigration and Naturalization Service, Annual Report, 1948, tables 6 and 7.
[20] Immigration and Naturalization Service, Annual Report, 1948, table 21.
[21] Ibid., table 24.

Cause:	Number
Criminal	11
Mental, physical defects	5
Overstay	17
Improper documents	11
Abandoned status	2
False statements, etc	1
Apt to become public charge	1

During the fiscal year 1948, 95 Finnish seamen deserted their ships while in American ports, most of them from Swedish and Norwegian vessels.[22]

Since 1908, when the Immigration and Naturalization Service first began enumerating aliens returning to their native countries, more than 12,000 aliens have returned to Finland; 119 emigrated in 1948.[23]

(2) Distribution of population

Of the 284,290 Finns in the United States in 1940, 167,080 were native-born and 117,210 foreign-born (60,770 males and 56,440 females). A total of 63,759, or 54.4 percent, were living in urban areas (31,104 of these males and 32,655 females); 21,167, or 18.1 percent, in rural nonfarm areas (11,919 males and 9,248 females); and 32,284, or 27.5 percent, in rural farm areas (17,747 males and 14,537 females).[24]

The major portion of the foreign-born Finns in the United States in 1940 had settled in the Northern States, 21,151 in Michigan and 20,152 in Minnesota. Their general geographical distribution was:[25]

Area	Number	Percent
North	89,851	76.6
West	25,596	21.9
South	1,763	1.5

While there are Finns in every State, they are most numerous in Michigan, Minnesota, New York, Massachusetts, Washington, Ohio, California, and Wisconsin.[26]

(3) Naturalization and assimilation

Between 1939 and 1948, 21,433 persons owing former allegiance to Finland were naturalized. The following are Finnish naturalization figures for the past five fiscal years:[27]

	Number		Number
1944	3,153	1947	753
1945	1,931	1948	574
1946	1,220		

The fact that English is an especially difficult language for Finns to learn has to some degree retarded their assimilation. Although in 1940, 60.8 percent of the foreign-born Finns were naturalized, they are slow in absorbing American ways and customs.

The Finns have several fraternal organizations, largely social and educational, and membership is restricted to persons of Finnish origin. The first Finnish newspaper in the United States was founded in 1876

[22] Ibid., table 22.
[23] Ibid., table 13.
[24] U. S. Bureau of the Census, Census of 1940, Population, 1940, vol. II, pt. 1, table 14, p. 42.
[25] Ibid., table 36, pp. 88-99.
[26] Brown and Roucek, op. cit., p. 203.
[27] Immigration and Naturalization Service, Annual Report, 1948, table 39.

under the title "The Finnish Newspaper of America." Only 11 numbers were printed. Since then about 100 other periodicals have appeared, but few survived long. Among those still existing are the New Yorkin Uutiset (New York News), published three times a week; the daily Paivalehti, in Duluth; and the weekly American Sanomat (Tidings of America).[28]

(4) Religion

Under the influence of Sweden, the Finns first became Roman Catholics and remained so for 400 years. When the Swedes abandoned Catholicism and switched to Lutheranism, the Finns accepted the latter also.[29] Nearly all Finns in the United States today are Lutherans. Educational work is extensively carried on by the Finnish Lutheran churches in America.

(5) Crime

The last Nation-wide census of Federal and State penitentiaries and reformatories, and county and city jails, covering a population 15 years old and over, showed a felony commitment rate of 0.2 per 1,000 for foreign-born Finns in this country and an over-all rate, including both felonies and misdemeanors, of 9.64 per 1,000 population. The major crimes for which Finns were committed were as follows: [30]

Crime:	*Number committed*
Homicide	3
Robbery	2
Aggravated assault	1
Other assault	1
Burglary	4
Larceny	3
Violation of the liquor laws	2
Other offenses	11
Total	27

j. French

(1) Background of immigration

The French are not a migrating people. They do not even migrate to their own colonies in large numbers. In the whole period covered by immigration statistics, not many more than a million French have emigrated; over half of these have come to the United States. The movement, although small, has been constant.[31]

It has been pointed out that "France's incessant involvement in wars made her manpower too valuable for a generous policy of voluntary migration. She even placed so many restrictions upon the dispatch of colonists to New France that settlement was retarded; and the colony itself, intent on retaining its sparse inhabitants, inflicted the death penalty on deserters from its soil." [32] The Edinburgh Journal commented in 1846 that "France has not for the last century been an emigrating country." [33] According to Levasseur (in 1887), France may be considered as a country of immigration, rather than

[28] Brown and Roucek, op. cit., p. 206.
[29] H. G. Duncan, Immigration and Assimilation (1933), p. 345.
[30] U. S. Bureau of the Census, Prisoners in State and Federal Penitentiaries and Reformatories, 1933 (1935), table 25, p. 29.
[31] Maurice R. Davie, Immigrants from Axis-Conquered Countries, The Annals, American Academy of Political and Social Science, September 1942, p. 116.
[32] M. L. Hansen, The Atlantic Migration (1940), p. 7.
[33] Chambers' Edinburgh Journal (New Series) V, June 13, 1846, pp. 387-389.

of emigration, for two reasons: First, the exceedingly low birth-rate and second, relatively abundant wealth.[34]

The first Frenchmen came to the New World during the early periods of exploration and colonization, settling in territory now incorporated in Canada and the United States. Their role in the history of the American continent, their exploration and colonization, and their contribution to American culture are well known.

While the French have been coming to the United States since early colonial days, the numbers coming in have been comparatively small; total French immigration from 1820 to 1948 amounted to only 624,561.[35] During the fiscal year 1948, a total of 2,805 quota immigrants and 1,892 nonquota immigrants were admitted from France. The annual French quota is 3,086.

A small number of French have also emigrated to other countries of the Western Hemisphere, chiefly to Argentina, Brazil, Canada, and Morocco. Although 199,868 persons emigrated from France between 1910 and 1924, nearly that number of Italians settled in France in 1 year.[36] Between 1908 and 1947, over 76,000 aliens in the United States emigrated to France.

(2) Distribution of population

Many of the early French settled in Louisiana and the Middle West. In 1790, persons of French origin comprised 0.6 percent of the United States population.[37] Today, French immigrants and their children are located principally in the Middle Atlantic States of New York, New Jersey, and Pennsylvania, and in California and Illinois. Other States with a substantial French population are Ohio, Michigan, and Massachusetts.

New York City is the chief urban center for French in this country. Chicago, San Francisco, Los Angeles, Philadelphia, Detroit, St. Louis, Buffalo, Pittsburgh, Boston, Cleveland, Baltimore, and New Orleans are other urban areas with considerable numbers of persons of French stock. The French colony in New York City forms a definite cultural group, with its own churches, school, hospital, theater, newspapers, and magazines.[38]

The total French population of the United States in 1940 was 349,050—246,120 native-born and 102,930 foreign-born. Of the foreign-born, a total of 79,940 (35,509 males and 44,431 females) were located in urban areas. Rural nonfarm areas had 7,437 males and 7,882 females; rural farm areas, 4,441 males and 3,230 females.[39]

Geographically, 71,339 or 70 percent of the foreign-born were in the North and East, 8,643 in the South, and 22,948 in the West.[40]

(3) Naturalization and assimilation

The French assimilate readily into American life.[41] Their rate of naturalization is high and they experience few special problems in social adjustment. In 1940, 68.6 percent of the foreign-born French

[34] Edith Abbott, Historical Aspects of the Immigration Problem (1926), p. 395.
[35] Immigration and Naturalization Service, Annual Report, 1948, tables 4, 6, and 7.
[36] H. G. Duncan, Immigration and Assimilation (1933), p. 146.
[37] Clyde V. Kiser, Cultural Pluralism, The Annals, American Academy of Political and Social Science, March 1949, p. 119.
[38] Maurice R. Davie, Immigrants from Axis-Conquered Countries, The Annals, American Academy of Political and Social Science, September 1942, p. 116.
[39] U. S. Bureau of the Census, Census of 1940, Population 1940, vol. II, pt. I, table 14, p. 42.
[40] Ibid., p. 88.
[41] Maurice R. Davie, op. cit., p. 116.

in this country had been naturalized; they were twelfth in rank among foreign-born nationality groups with respect to percent naturalized.[42]

In 1940, 1,412,060 persons or 1.2 percent of the white population of the United States, reported French as mother tongue.[43] Only 16 percent of this number was from France proper, while 76 percent was of Canadian-French origin.

Of the 349,050 total foreign white French stock in the United States in 1940, 159,240 reported English, 144,720 reported French, and 29,020 reported German as their mother tongue.[44]

There are a number of French organizations in this country which serve to assist and inform the French and to preserve some of the traditional elements of French culture. As of January 1, 1944, there were 4 French fraternal organizations with headquarters in this country, containing 667 branches, 106,913 members, and assets of $12,489,119.[45]

Among French publications, the following may be mentioned: Le Courrier du Pacifique (San Francisco), France-Amerique (New York), Le Messager (Lewiston, Maine), Le Travailleur (Worcester, Mass.), and L'Etoile (Lowell, Mass).

(4) Employment

The great majority of French in this country are in trades in which their skill is traditional. Many are employed as domestic servants, cooks, and hairdressers; others are prominent in the perfume, silk, cosmetic, jewelry, and wine businesses.[46] They may also be found on the faculties of our schools and universities. Recent immigration has brought numerous individuals of social and intellectual distinction.

(5) Education—Religion

Primary education is free and compulsory in France. Educational development has been hindered to some degree by the numerous dialects which exist there. Some of the inhabitants speak Celtic, some speak Flemish, and others speak Iberian.[47]

Fewer than 4 percent of our foreign-born French are illiterate, while approximately the same percentage are unable to speak English.[48]

Although some Protestant settlements were founded here by the early French, notably the Huguenots, the vast majority of French in the United States are Roman Catholics. The Jesuit missionaries were largely responsible for spreading the Catholic faith throughout the St. Lawrence and Great Lakes regions, down the Mississippi, and throughout the Louisiana Territory. Only one attempt has been made to establish a Protestant ministry to French-Canadians.[49] Among the Protestant French groups, the Waldensians settled in New York and Delaware in 1656,[50] while the Huguenots have left evidences of their language and customs in New England and South Carolina.[51]

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[42] Brown and Roucek, One America (1945), p. 657.
[43] Clyde V. Kiser, Cultural Pluralism, The Annals, American Academy of Political and Social Science March 1949, p. 123.
[44] U. S. Bureau of the Census, Census of 1940, Population. 1940. Nativity and Parentage of the White Population, Mother Tongue, p. 56.
[45] Brown and Roucek, op cit., p. 650.
[46] Maurice R. Davie, Immigrants From Axis-Conquered Countries. The Annals, American Academy of Political and Social Science, September 1942, p. 116.
[47] H. G. Duncan, Immigration and Assimilation (1933), p. 142.
[48] Maurice R. Davie, Immigrants from Axis-Conquered Countries, Annals, American Academy of Political and Social Science, September 1942, p. 116.
[49] K. D. Miller, We Who Are America (1943), p. 146.
[50] Brown and Roucek, op. cit., p. 98.
[51] Carl Wittke, Immigration Policy Prior to World War I, Annals, American Academy of Political and Social Science, March 1949, p. 5.

(6) *Crime*

Census Bureau figures for 1940 show a total of 17 felony commitments of foreign-born French out of a total foreign-born French population of 102,930,[52] a rate of 16.5 per 100,000 population. The most common types of felonies committed by the foreign-born French were (in 1933) violation of drug laws, forgery, and larceny (except auto theft). The most numerous felonies committed by the native-born of French parentage were violation of drug laws, larceny (except auto theft), burglary, robbery, and forgery.[53]

k. Germans

(1) *Background of immigration*

While there were Germans among the early colonists of this country, the first typically German settlement was made in 1683 in Germantown, near Philadelphia.[54] It became the distributing center for the large and continuous stream of German immigrants, many of whom crossed the Potomac and pressed farther south. Nine years after the settling of Bethlehem, in 1741, German settlements appeared in North Carolina.

The most northerly German settlement was at Waldoboro, Maine, in 1751, while the most southerly was at Ebenezer, Ga., in 1734. Many German tradesmen remained in the coastal cities of Philadelphia, New York, Baltimore, and Charleston. Pennsylvania continued to be the State most thickly settled by the Germans, who at one time numbered one-third of its population. The Germans constituted about one-tenth of the white population in the Thirteen Colonies in 1775. They were, for the most part, agricultural workers.[55]

German immigration passed the hundred thousand mark between 1831 and 1840, when 152,454 were admitted. The peak German influx was from 1881 to 1890, with 1,542,970 admissions; from 1820 to 1948, 6,064,653 entered.[56] During World War II, immigration from Germany was, of course, stopped.

By Presidential directive of December 22, 1945, 90 percent of the German quota was set aside for displaced persons, and 17,229 entered the country by the time the Displaced Persons Act of 1948 superseded the Presidential order in June 1948. Of those who entered under the directive, the overwhelming majority, 14,496, were Jews.[57]

During the fiscal year 1948, a total of 21,365 Germans were legally admitted into the United States. They were divided as follows: [58]

Class:	*Number*
Quota immigrants	[1] 17,229
Husbands of citizens	68
Wives of citizens	3,638
Unwed children of citizens	351
Wives, children of natives from nonquota countries	8
Ministers, wives, children	41
Professors, wives, children	25
Women who had been citizens	2
Other classes	3
Total	21,365

[1] Includes DP's.

[52] U. S. Bureau of the Census, Prisoners in State and Federal Prisons and Reformatories, 1940 (1943), p. 36.
[53] U. S. Bureau of the Census, Prisoners in State and Federal Prisons and Reformatories, 1933 (1935), p. 29.
[54] Brown and Roucek, op. cit., p. 102.
[55] Ibid., p. 103.
[56] Immigration and Naturalization Service, Annual Report, 1948, table 4.
[57] Visa Division, Department of State, Final Report, October 5, 1948.
[58] Immigration and Naturalization Service, Annual Report, 1948, table 6.

In addition, 178 German (and Austrian) students entered under section 4 (e) of the Immigration Act of 1924.

During the fiscal year 1948, a total of 73 Germans were deported for the following reasons: [59]

Cause:	Number
Criminal reasons	20
Overstay	16
Mental, physical defects	1
Entered without proper papers	18
False entry statements	4
Abandoned status of admission	13
Miscellaneous	1
Total	73

During the fiscal year 1948, 165 Germans were excluded.[60] Emigrant aliens from the United States to Germany between 1908 and 1947 totaled 126,087, about 2 percent of the total admitted since 1820.

(2) Distribution of population

Persons of German stock in this country in 1940 numbered 5,236,612.[61] Of this number, 1;237,772 were foreign-born (638,022 males and 599,750 females).[62] Of the foreign-born, 919,580, or 74.3 percent, were living in urban areas (462,330 males and 457,250 females); 169,300, or 13.7 percent, in rural nonfarm areas (89,670 males and 79,630 females); and 148,892, or 12 percent, in rural farm areas (86,022 males and 62,870 females).[63]

Of the total number of foreign-born Germans in this country in 1940, 1,050,998 or 84.9 percent were situated in the North; 118,439 or 9.3 percent in the West; and 68,335 or 5.8 percent in the South. Every State of the Union contained some German foreign-born. New York, with 316,844, and Illinois, with 138,023, were the two leaders.[64]

(3) Naturalization and assimilation

In 1930, 70.5 percent of the German population in the country had been naturalized and 73.6 percent by 1940.[65] Naturalization of Germans (and Austrians) for recent years was as follows:

1944	62,274	1947	12,633
1945	45,336	1948	8,771
1946	23,821		

In 1940, 4,949,780 persons in this country listed the German language as their mother tongue,[66] of whom 3,360,740 were native-born and 1,589,040 foreign-born. Some 52 German newspapers and periodicals in this country have a total circulation of nearly 600,000.

(4) Education—Religion

The German educational system is excellent and German universities have been widely recognized for a long time. Elementary education is compulsory. As a result, German immigrants have generally been highly literate, many of them having a knowledge of English before coming to America. The time it has taken them to acquire a com-

[59] Ibid., table 24.
[60] Immigration and Naturalization Service, Annual Report, 1948, table 21.
[61] World Almanac, (1949), p. 202.
[62] U. S. Bureau of the Census, Census of 1940, Population, 1940, vol. II, pt. 1, table 14, p. 42.
[63] Ibid.
[64] Ibid., pp. 88-89.
[65] Brown and Roucek, One America, (1945), p. 657.
[66] Ibid., p. 644.

mand of the language here has, therefore, been less than that of other groups. It might also be pointed out that there are many basic similarities between the German and English languages, thus further aiding in the process of linguistic education.

The Germans founded three major churches in the United States early in the eighteenth century—the Lutheran, German Reformed, and United Brethren or Moravian Church. The latter were successful Indian missionaries and were noted for their schools. Many German sects were transplanted to America; the Mennonites, the Amish, and others have survived to the present day. German Catholics also came in large numbers during the nineteenth century and formed a strong organization.[67]

(5) Crime

At the last Nation-wide census of prisons and jails, the commitment rate for both felonies and misdemeanors of the German-born was 1.76 per 1,000 population. Those committed for felonies numbered 218, a rate of 0.13 per 1,000, as follows:[68]

Crime:	*Number*	Crime—Continued	*Number*
Homicide	10	Rape	8
Robbery	24	Other sex offenses	15
Aggravated assault	2	Forgery	22
Other assault	4	Violation of drug laws	3
Burglary	36	Violation of liquor laws	16
Larceny	32	Other offenses	23
Auto theft	8		
Fraud, embezzlement	15	Total	218

l. Greeks

(1) Background of immigration

The first actual settlement of Greeks in the United States occurred in 1768.[69] Greek immigration, however, was of slight significance until after 1890.

Following wholesale crop failures in 1891, especially of currant crops, Greeks began to emigrate to the United States in large numbers. From 1891 to 1900, 15,979 Greeks arrived. The peak decades of immigration were between 1901 and 1910, when 167,519 entered, and between 1911 and 1920, when 184,201 were admitted.

Many, however, returned to Greece without having brought their wives or children to this country. Between 1908 and 1943, 195,768 Greeks went back to their native country.[70]

Since 1820, some 434,418 Greek immigrants have entered legally. The annual quota for Greece is 307. For the fiscal year 1948, a total of 1,964 Greeks were legally admitted, as follows:[71]

Class:	*Number*
Quota immigrants	213
Husbands of citizens	28
Wives of citizens	1,391
Unmarried children of citizens	297
Ministers, wives, etc	29
Professors, wives, etc	5
Minor from nonquota country	1
Total	1,964

[67] Brown and Roucek, One America (1945), p. 112.
[68] U. S. Bureau of the Census, Prisoners in State and Federal Penitentiaries and Reformatories, 1933 (1935), table 25, p. 29.
[69] Brown & Roucek, One America (1945), p. 243.
[70] Ibid., p. 637.
[71] Immigration and Naturalization Service, Annual Report, 1948, table 6.

In addition, 172 Greek students entered the United States under section 4 (e) of the Immigration Act of 1924. A total of 60 aliens were deported to Greece during the same period, for the following reasons: [72]

Cause:	Number
Criminals	7
Immoral classes	1
Narcotics violation	1
Mental or physical defectives	1
Previously excluded or deported	1
Overstay	29
Entered without proper papers	11
False entry statements	2
Abandoned status of admission	7
Total	60

Forty Greeks were excluded at various ports of entry, while 210 Greek seamen deserted their vessels and effected illegal entry.[73]

(2) Distribution of population

There were 326,672 Greeks and traceable Greek descendants in the United States at the time of the 1940 census, 163,252 of whom were foreign-born (117,324 males and 45,928 females). Of these foreign-born, 149,463 lived in urban areas (106,162 males and 43,301 females); 10,798 in rural nonfarm areas (8,730 males and 2,068 females), and 2,991 in farm areas (2,432 males and 559 females). [74]

Of the foreign-born Greeks, 76.4 percent were located in the North, 13.49 percent in the West, and 10.08 percent in the South. Of the 21,921 foreign-born Greeks in the West, 12,421 or 56.7 percent were in California. Other States with more than 10,000 were Massachusetts, New York, Pennsylvania, Ohio, and Illinois. The distribution of foreign-born Greeks was: [75]

Region:	Number
North	124, 747
West	21, 921
South	16, 584
Total	163, 252

(3) Naturalization and assimilation

The major Greek-American societies are: the AHEPA, GAPA, Pan-Arcadian Society, Pan-Cretan Association, Dodecanese National Council, Pan-Epirotic Federation of America, and the Pan-Micrasiatic Society.[76] Greek newspapers and other publications help Greek-Americans keep in touch with the homeland.

Although there has been a notable increase in the percentage of naturalization, many Greeks never become naturalized but, rather, remain in the country until they feel financially secure, and then return to their homeland. In 1920, 16.8 percent of the Greeks in the country were naturalized; in 1930, 44.7 percent; and in 1940, 58.4 percent.[77] Naturalization of persons owing former allegiance to Greece was as follows in recent years:[78]

[72] Immigration and Naturalization Service, Annual Report, 1948, table 24.
[73] Ibid., tables 21, 22.
[74] U. S. Bureau of the Census, Census of 1940, Population (1940), vol. II, pt. 1, table 14, p. 42.
[75] Ibid., table 36, pp. 88–89.
[76] Brown and Roucek, One America (1945), pp. 251, 252.
[77] Ibid., p. 657.
[78] Immigration and Naturalization Service, Annual Report, 1948, table 39.

1944	7,549
1945	4,305
1946	3,313
1947	1,847
1948	1,683

(4) Education—Religion

There are no available statistics to show the degree of education of Greeks. In Greece itself there is a fair system of schools and attendance is compulsory for children from 5 to 12 but education is somewhat handicapped by the existence of two dialects, high Greek (Ellenika) and low Greek (Roumaika). The uneducated cannot understand high Greek, while the educated understand both.[79]

The major portion of Greeks—approximately 97 percent—are members of the Greek Orthodox or Eastern Orthodox Church, to which they adhere in this country.

(5) Crime

The rate of commitments of foreign-born Greeks to State and Federal prisons and reformatories for crimes and misdemeanors (1933) was 8.38 per 1,000 population, while the commitment rate for felonies was 0.7 per 1,000, distributed as follows:[80]

Crime:	Number committed	Crime—Continued	Number committed
Homicide	7	Other sex offenses	12
Robbery	13	Forgery	17
Aggravated assault	10	Stolen property	1
Other assault	2	Violation drug laws	7
Burglary	7	Violation liquor laws	17
Larceny	8	Other offenses	9
Auto theft	2		
Fraud and embezzlement	3	Total	120
Rape	5		

m. Hungarians

(1) Background of immigration

Between 1911 and 1948, Hungarian immigration to this country totaled 483,765. The annual quota for Hungary is now 869. During the fiscal year 1947, 1,277 Hungarians were admitted legally.[81] During the fiscal year 1948, there were 1,471 admissions, as follows:[82]

Class:	Number
Quota immigrants	[1] 882
Husbands of citizens	10
Wives of citizens	284
Unwed children of citizens	72
Wives, children of natives, nonquota countries	3
Ministers, wives, children	151
Professors, wives, children	69
Total	1,471

[1] Includes DP's.

Between March 30, 1946, and June 30, 1948, 613 Hungarian displaced persons were admitted under the Presidential directive of December 22, 1945. In addition, during the fiscal year 1948, 220

[79] H. G. Duncan, Immigration and Assimilation (1933), p. 198.
[80] U. S. Bureau of the Census, Prisoners in State and Federal Prisons and Reformatories—1933 (1935) table 25, p. 29.
[81] Immigration and Naturalization Service, Annual Report, 1947, table 6.
[82] Immigration and Naturalization Service, Annual Report, 1948, table 6.

Hungarian students entered the country under section 4 (e) of the Immigration Act of 1924. During that same period, 21 were excluded from the United States at various ports of entry.[83]

Since 1908, when the Immigration and Naturalization Service first began to enumerate aliens returning to their native lands, over 307,000 have gone back to Hungary,[84] the major portion (173,593) leaving in the decade 1911–20.

(2) Distribution of population

Of the 662,068 Hungarians in the United States in 1940, 371,840 were native-born, while 290,228 (144,354 males and 145,874 females) were foreign-born.[85] Of the foreign-born, 238,689, or 82.2 percent, lived in urban areas (116,570 males and 122,119 females); 32,367 or 11.1 percent lived in rural nonfarm areas (17,286 males and 15,081 females); the smallest group, 19,172, or 6.7 percent, lived in rural farm areas (10,498 males and 8,674 females).[86]

Foreign-born Hungarians in 1940 were represented in every State, New York leading with 75,254. New Jersey, Illinois, Pennsylvania, Ohio, and Michigan each had 20,000 or more. Of the foreign-born Hungarians, 269,188, or 92.7 percent, were located in the North, 11,181, or 3.8 percent, in the West, and 9,859, or 3.5 percent, in the South.[87]

(3) Naturalization and assimilation

Before 1915, there were about three times as many Hungarian men as women in the United States. Wives and children frequently were left at home, while the men came over with the intention of staying just long enough to make money to become financially stable. The recent tendency for whole families to remain here permanently is reflected in the speed with which the Hungarians are being assimilated. In 1910, when most of them expected their residence to be temporary, only 15 percent were naturalized. In 1920, 21.1 percent had become citizens, and by 1940, 64.3 percent were naturalized.[88]

In recent years, naturalization of those claiming Hungary as their place of nativity was as follows: [89]

1944	13,964	1947	1,595
1945	6,320	1948	1,271
1946	3,385		

As of 1945, there was only one typically Hungarian settlement in this country, namely, Beauty, Ky., formerly called Himlerville. It is located in Martin County and is an all-Magyar mining town founded after World War I.[90]

A number of mutual-benefit societies aid in keeping the Hungarians together. The Verhovay of Pittsburgh, with a membership of 32,000 is the largest Hungarian sick-benefit and insurance organization in this country. Next in size is the American Federation of Hungarian Sick Benefit Societies at Bridgeport, Conn. The Hungarian Reformed Federation is also a large insurance society and is the only Hungarian

[83] Ibid., table 21.
[84] Brown and Roucek, One America (1945), p. 637; Immigration and Naturalization Service, Immigration and Naturalization Reports, 1945, 1946, 1947, and 1948.
[85] U. S. Bureau of the Census, Census of 1940, Population (1940), vol. II, part 1, table 14, p. 42.
[86] Ibid., table 36, pp. 88–89.
[87] U. S. Bureau of the Census, Census of 1940, Population (1940), vol. II, pt. 1, table 36, pp. 88–89.
[88] Brown and Roucek, op cit., p. 215.
[89] Immigration and Naturalization Service, Annual Report, 1948, table 39.
[90] Brown and Roucek, op cit., p. 216.

organization that has a national charter granted by the United States Congress.[91]

The largest Hungarian newspaper in America is the Amerikai Magyar Népszava (Hungarian People's Voice). It started as a weekly in New York in 1900 and became a daily 4 years later. Today it has four editions, New York, New Jersey, Connecticut, and a general edition. From 1884 to 1920, 67 Magyar papers were started and 41 expired. Some 25 appear regularly; their editorial policies reflect the groups they represent. In 1940 some 453,000 people listed Magyar as their mother tongue.

(4) Employment

Many Hungarians have become famous, Joseph Pulitzer being an outstanding example. Others who have become well known in their professions are Adolph Zukor, William Fox, and Marcus Loew in the motion-picture industry. Many musicians and composers, like Eugene Ormandy, Erno Rapee, Victor Jacobi, and numerous professors are Hungarians or of Hungarian descent.

Magyar immigrant laborers are found in greatest numbers in iron and steel manufacturing, bituminous-coal mining, manufacture of agricultural implements, silk dyeing, and sugar refining.[92] A considerable number are employed in the coal mines of West Virginia and Pennsylvania. While a majority of the Magyars generally first work in industry, many later drift into agriculture. Hungarian viniculturists are employed rather extensively by grape growers in Ohio and California.[93]

(5) Education—religion

Public education in Hungary is compulsory and free for 9 years. A considerable number of Hungary's immigrants to this country have been of the intellectual and professional classes.

The first Hungarian congregation was organized in 1852 in New York City by the Reverend Gideon Acs, a Calvinist minister. The Free Magyar Church in America was established in December 1924, at Duquesne.[94] It has been estimated that, since 1891, the Hungarians have established some 190 churches and mission centers throughout the country.

(6) Crime

Foreign-born Hungarians had a crime rate, according to the number of commitments for felonies and misdemeanors, of 0.43 per 1,000 population in the 1933 enumeration. The felony rate was 0.023 per 1,000, distributed as follows:[95]

Crime:	Number of commitments	Crime—Continued	Number of commitments
Homicide	8	Rape	0
Robbery	11	Other sex offenses	5
Aggravated assault	5	Forgery	1
Other assault	1	Violation of drug laws	1
Burglary	4	Violation of liquor laws	2
Larceny	7	Other offenses	13
Auto theft	0		
Fraud, embezzlement	4	Total	62

[91] Ibid., pp. 218-219.
[92] Brown and Roucek, op. cit. (1945), p. 215.
[93] Ibid, Brown and Roucek, One America (1945), p. 215.
[94] Ibid., p. 216.
[95] U. S. Bureau of the Census, Prisoners in State and Federal Penitentiaries and Reformatories—1933 (1935), table 25, p. 29.

n. Irish

(1) Background of immigration

The first recorded Irish settlement in America was in 1621, on the site of the present city of Newport News, Va. Large-scale Irish immigration began about the middle of the seventeenth century. In 1649, a single vessel embarked with 170 Irish persons for the plantations in America, but between 1652 and 1655, approximately 6,500 Irish immigrants were landed at various American ports, and, by 1660, 10,000 were scattered among the Thirteen Colonies.[96]

Irish immigration increased substantially during the eighteenth century. In 1728, the Irish in Philadelphia alone were estimated at 5,000. By 1790, the Irish comprised 1.9 percent of our population.[97]

In 1821, Ireland had the greatest population density of any European country.[98] With limited industrial opportunities, Ireland had become a one-crop country in which the potato was the staple article of food. Frequent crop failure served to add to the hardships of life and stimulated mass emigration.

Immigrants from Ireland totaled 4,597,429 from 1820 to 1947,[99] the greater part of whom came during the middle decades of the nineteenth century.[1] Approximately 54,000 returned to their native country between 1908 and 1947.

(2) Distribution of population

The Irish originally settled along the Atlantic seaboard, especially in New York and Boston, but gradually pushed into the interior.[2] While they are rather generally distributed throughout the country today, the great majority are still in the northern and eastern sections of the country. In 1940, there were in this country a total of 572,031 foreign-born Irish; 515,876—over 90 percent—were located in the North, 15,539 in the South, and 40,616 in the West.

The sex ratio among foreign-born Irish in the United States in 1940 was 57 females to every 43 males (327,939 females and 244,092 males). A great proportion of the Irish are urban dwellers. As of 1940, approximately 90 percent (513,926) were in cities, 43,672 in rural nonfarm areas, and 14,433 in rural farm areas.[3] Only rural nonfarm areas showed a greater number of males than females. Urban areas had 217,023 males and 296,903 females, rural nonfarm areas, 19,443 males and 24,229 females, and rural farm areas, 7,626 males and 6,807 females.[4]

(3) Naturalization and assimilation

The Irish have become naturalized much more readily than the English or Scotch. As of 1940, 72.5 percent of the Irish foreign-born were naturalized. They ranked sixth among all nationality groups[5] in this regard, whereas the English ranked eighth and the Scotch fourteenth. During the fiscal year 1947, 2,263 Irish were naturalized;

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[96] Brown and Roucek, op. cit., pp. 43–44.
[97] H. G. Duncan, Immigration and Assimilation (1933), p. 479.
[98] W. F. Adams, Ireland and Irish Emigration to the New World From 1815 to the Famine (1932), p. 4.
[99] H. G. Duncan, op. cit., p. 20.
[1] Brown and Roucek, op. cit., p. 632; National Committee on Immigration Policy, International Migration and One World, 1948, p. 34.
[2] H. G. Duncan, op. cit., p. 485.
[3] U. S. Bureau of the Census. Census of 1940, population (1940), vol. II, part I, tables 14 and 36, pp. 42 and 88.
[4] Id.
[5] Brown and Roucek, op. cit., p. 657.

over 75 percent of whom had been admitted into this country at least 20 to 25 years prior to naturalization.[6]

(4) *Employment*

The field of vocations and professions into which the Irish in America have entered is quite large. Inasmuch as the great majority of the Irish are concentrated in our urban areas, they are largely engaged in industrial and commercial occupations.

(5) *Education—Religion*

Elementary education in Ireland is free and compulsory. This fact has been of benefit to the Irish immigrant, as far as his literacy is concerned. Of 416,640 Irish immigrants over 14 years of age admitted between 1899 to 1910, only 10,721 or 2.6 percent were unable to read or write.[7] Only the English, Finnish, Scotch, Welsh, Scandinavian, and Bohemian immigrants ranked above the Irish in the literacy rate.

Irish immigrants are predominantly Roman Catholic. They have been a mainstay of the Catholic Church in America, furnishing a high percentage of the Catholic congregations and clergy, and fostering many Catholic schools, colleges, and universities.

(6) *Crime*

The Irish foreign-born have a low rate of major criminal offenses, but a high rate for misdemeanors.[8] In 1940, 44 felony prisoners received by State and Federal prisons and reformatories were Irish foreign-born, a felony rate for this group of 7.7 per 100,000.[9] The most numerous offenses shown in 1933 statistics were burglary, larceny (except auto theft), sex offenses (except rape), and robbery.[10]

o. *Italians*

(1) *Background of immigration*

In 1850, when the United States had a population of 23,000,000, less than 4,000 were Italians. It was not until after 1880 that Italian immigrants began to arrive in sizable numbers.[11] Coming largely from the fairly industrial areas of northern Italy, the first immigrants consisted of importers, musicians, singers, and artisans. Between 1901 and 1910, 1,911,933 immigrants from southern Italy and 372,668 from northern Italy entered the United States. Some Italian towns lost as much as 20 percent of their population.

The bulk of the Italians, upon entering this country, settled with friends and relatives. Most of them took laboring jobs. According to 1940 census figures, the number of Italians living on farms and in farm communities of less than 2,500 was exceedingly small, especially in view of the fact that 66 percent of them had been agricultural workers in their native country.[12]

Between 1820 and 1948, immigration from Italy to the United States totaled 4,752,735.[13] During the fiscal year, 1948, 16,075 immigrants of Italian birth were admitted, as follows:[14]

[6] Immigration and Naturalization Service, Annual Report, 1947, table 46.
[7] U. S. Immigration Commission, Abstracts of Reports (1911), vol. I, p. 99.
[8] U. S. Bureau of the Census, Prisoners and Juvenile Delinquents in the United States, 1910 (1918), table 141, p. 131.
[9] U. S. Bureau of the Census, Prisoners in State and Federal Prisons and Reformatories, 1940 (1943), p. 36.
[10] Ibid., 1933 (1935), p. 29.
[11] Brown and Roucek, op cit., p. 258.
[12] Ibid., p. 263.
[13] Immigration and Naturalization Service, Annual Report, 1948, table 4.
[14] Ibid., tables 6 and 7.

Class:	Number
Quota immigrants	5,624
Husbands of citizens	239
Wives of citizens	6,385
Unwed children of citizens	3,350
Wives, children of natives from nonquota countries	63
Ministers, wives, children	66
Professors, wives, children	31
Women previously citizens	1
Other classes	42
Total	15,801

During the fiscal year 1948, 155 Italian displaced persons were admitted, as well as 145 Italian students. The annual Italian quota is 5,802.

During fiscal year 1948, 172 aliens were deported to Italy for these causes:[15]

Cause:	Number
Criminal reasons	30
Immorality	2
Violating narcotic laws	8
Mental or physical defects	3
Previously deported	4
Overstay	40
Entered without proper papers	56
False entry statements	13
Apt to become public charge	1
Abandoned status of admission	13
Miscellaneous	2
Total	172

In addition, 218 Italians were excluded from the United States, while 934 Italian seamen entered illegally by deserting their vessels.[16]

Between 1908 and 1947, 1,248,895 Italians returned to Italy. This was equal to 26.3 percent of the total number of Italian immigrants admitted from 1820 to 1947. Of the 1,485 who returned in 1948, 965 were males and 520 females.[17]

(2) Distribution of population

In 1940, the Italian foreign-born population in the United States was 1,623,580, or 14.2 percent of the total foreign-born population of 11,419,138;[18] native-born of Italian or mixed parentage totaled 2,971,200.[19]

Of the foreign-born, 935,139 were males and 688,441 females. The preponderance, 1,429,898, or 88.6 percent, lived in urban areas (814,893 males and 615,005 females); 147,546, or 9.7 percent of the total, were in rural nonfarm areas (91,667 males and 55,879 females); and 46,136, or 2.7 percent of the total, were in rural farm areas (28,579 males and 17,557 females).[20]

In 1940, the majority of Italian foreign-born (1,430,452, or 88.1 percent) were in the North; 132,881, or 8.1 percent were in the West; and 60,247, or 3.7 percent were in the South.

[15] Ibid., table 24.
[16] Ibid., tables 21 and 22.
[17] Ibid., table 14.
[18] U. S. Bureau of the Census, Census of 1940, Population, 1940, vol. II, pt. 1, table 14, p. 42.
[19] World Almanac, 1949, p. 202.
[20] U. S. Bureau of the Census, Census of 1940, Population, 1940, vol. II, pt. 1, table 14, p. 42.

Nearly 37 percent (584,075) of the national total were in New York; New Jersey, Massachusetts, Pennsylvania, and California each had over 100,000, while Illinois, Connecticut, and Ohio each had well over 50,000.[21]

(3) Naturalization and assimilation

There has been a notable increase in the percentage of naturalization among the Italians. In 1920 only 28.1 percent were naturalized; in 1930,50 percent; and, in 1940, 62.5 percent.[22] Although nearly 600,000 foreign-born and unnaturalized Italians were classed as "enemy aliens" during World War II, very few of them were interned.[23] The numbers of persons owing former allegiance to Italy naturalized for the fiscal years 1944 to 1948 were as follows:[24]

1944	106, 626
1945	41, 643
1946	23, 099
1947	11, 516
1948	9, 452

In 1940, the ratio of Italian foreign-born males per 100 females was 135.8. A total of 3.7 million claimed Italian as their mother tongue. In 1943, there were 117 Italian newspapers and periodicals in the United States, the leader of which—Il Progresso Italo-Americano—was established in 1888. Others include Il Corriere d'America and La Stampa Libera.[25]

(4) Education—Religion

Statistics on the education of Italians, whether native-born or foreign-born, are not available. Generally speaking, a large number of the Italian immigrants who entered the United States during the early part of the present century were illiterate.

Italy itself is largely a Catholic country. There are relatively few Protestants, Jews, or members of other religious sects. H. G. Duncan states: "According to both Catholic and Protestant estimates, between 60 and 75 percent of the Italians in the United States maintain no connection with the church." [26] Many have joined one or more of the several Italian fraternal or civic organizations in this country. The most important is the Order of the Sons of Italy, organized about 1900, which now has hundreds of branches throughout the country and several hundred thousand members.[27] Italian Protestants have shown some tendency to affiliate with churches of their own denomination having a mixed national congregation.

(5) Crime

In 1933, 4.09 per 1,000 of the foreign-born Italian population were committed to prisons and jails for both crimes and misdemeanors. The felony rate was 0.39 per thousand, for the following offenses: [28]

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[21] Ibid., table 36, pp. 88-89.
[22] Brown and Roucek, One America (1945), p. 657.
[23] Ibid., p. 267.
[24] U. S. Bureau of the Census, Statistical Abstract of the United States (1948), table 130, p. 114.
[25] Brown and Roucek, One America (1945), pp. 265-266.
[26] H. G. Duncan, Immigration and Assimilation (1933), p. 184.
[27] Brown and Roucek, op. cit., p. 265.
[28] U. S. Bureau of the Census, Prisoners in State and Federal Penitentiaries and Reformatories, 1933 (1935), table 25, p. 29.

Crime:	Number committed
Homicide	83
Robbery	96
Aggravated assault	31
Other assault	39
Burglary	58
Larceny	41
Auto theft	8
Fraud, embezzlement	18
Rape	29
Other sex offenses	39
Forgery	87
Stolen property	6
Drug violations	23
Liquor	60
Other offenses	57
Total	675

p. Latvians

(1) Background of immigration

It has been stated that the first Latvians came to America with the early Swedes. Official immigration figures on Latvians have been available only since 1924. It is difficult to arrive at any accurate estimate of Latvian immigrants prior to World War I, because they came here on German, Russian, and other passports. Some estimates place the number in the United States at 50,000.[29]

In 1940, almost 35,000 individuals in this country claimed to be either native-born or foreign-born Latvians. Only 4,925 immigrants were legally admitted from Latvia between 1921 and June 30, 1948.[30] The annual quota for Latvians is 236.[31] During the fiscal year 1948, 427 immigrant aliens were admitted whose country of birth was Latvia, divided as follows:[32]

Class:	Number
Quota immigrants	[1] 300
Husbands of citizens	3
Wives of citizens	84
Unwed children of citizens	8
Ministers, wives, children	20
Professors, wives, children	12
Total	427

[1] Includes DP's.

Between March 31, 1946, and June 30, 1948, 390 Latvians were admitted as displaced persons.[33]

In addition, five Latvian students were admitted during the fiscal year 1948 under section 4 (c) of the Immigration Act of 1924.

(2) Distribution of population

In 1940 there were 34,656 Latvians in the United States, 12,020 native-born and 18,636 foreign-born. Of the foreign-born, 9,897 were males and 8,739 were females. They were located as follows: 16,698, or 89.8 percent, were living in urban areas (8,784 males and 7,914 females); 1,242, or 6.6 percent, in rural nonfarm areas (736 males and 506 females); and 696, or 3.6 percent, in rural farm areas (377 males and 319 females).[34]

Over 80 percent of the foreign-born Latvians in this country in 1940 were living in the North. New York, with 6,058, led all other States; Illinois was second, with 2,351; and Pennsylvania and Cali-

[29] Brown and Roucek, One America (1945), p. 179.
[30] Immigration and Naturalization Service, Annual Report, 1948, table 4.
[31] Ibid., table 7.
[32] Ibid., table 6.
[33] Visa Division, State Department, Repor on Displaced Persons, October 5, 1948.
[34] U. S. Bureau of the Census, Census of 1940, Population (1940), vol. II, pt. 1, table 14, p. 42.

fornia had 1,311 and 1,296, respectively. The general geographic distribution was as follows: [35]

Area	Number	Percent
North	15,262	82.0
South	1,537	8.2
West	1,837	9.8

(3) Naturalization and assimilation

The Latvians assimilate readily, although they do retain some of their traditions and customs. Ordinarily they do not attempt to form settlements but rather tend to scatter throughout the country. As a result, the time required for them to learn English is somewhat less than it otherwise would be.[36]

Among Latvian organizations are the American National Latvian League of Boston, Joint Latvian Committee in New York City, Society of Free Latvians in Philadelphia, Latvian Club of Chicago, and the Latvian Mutual Aid Society of Chicago.

Between 1939 and 1948, 5,614 aliens owing former allegiance to Latvia became naturalized citizens, 194 during the fiscal year 1948. Following are naturalizations during the fiscal years 1944 to 1948: [37]

1944	1,017	1947	210
1945	540	1948	194
1946	387		

Comparatively few Latvians have returned to their native country; only 302 immigrants from Latvia returned between 1921 and 1930, and 364 between 1931 and 1940.[38] In the fiscal year 1948, only two Latvian immigrants departed from the United States.[39]

(4) Education—Religion

The major portion of the Latvians are Lutherans. Among the other denominations and sects are Catholics, Bohemian Brothers, Baptists, Jews, and a few Greek Orthodox.[40] There are no Latvian schools, and, although some Latvian churches attempt to teach the language, the results are not effective, because of rapid assimilation. Latvians rank higher than most of the immigrants from other countries of central and southern Europe in literacy.[41] In 1910, only 3.2 percent of the Latvians were illiterate.

(5) Crime

Latvians are not mentioned in the reports of crime surveys made by the Census Bureau.

q. Lithuanians

(1) Background of immigration

The first recorded migration of Lithuanians to the New World appears to have been in the year 1850, although claims have been

[35] Ibid., table 36, pp. 88-89.
[36] Brown and Roucek, One America (1945), p. 189 ff.
[37] Immigration and Naturalization Service, Annual Report, 1948, table 39.
[38] Brown and Roucek, op. cit., p. 637.
[39] Immigration and Naturalization Service, Annual Report, 1948, table 13.
[40] Brown and Roucek, One America (1945), p. 182.
[41] Ibid.

made that some came as early as the seventeenth century. In 1868 a group of Lithuanians settled in Shamokin, Pa., and were soon followed by others. They spread to mining towns in the State and were scattered throughout the whole anthracite region. Between 1898 and 1914, some 252,294 Lithuanians entered the country.[42]

Chief Lithuanian settlements were originally in the anthracite belt of Pennsylvania and West Virginia, but great numbers also settled in the eastern seaboard States. The 1940 census showed Lithuanian foreign-born in every State of the Union.[43]

Approximately 10,000 Lithuanians have been recorded as legally admitted into the United States.[44] Prior to World War I, they came as Russian or Polish immigrants and were, of course, enumerated as such. The annual quota for Lithuania is 386. During the fiscal year 1948, 631 immigrants from Lithuania were admitted, as follows:[45]

Class:	*Number*
Quota immigrants	[1] 458
Husbands of citizens	5
Wives of citizens	82
Unwed children of citizens	26
Ministers, wives, children	30
Professors, wives, children	30
Total	631

[1] Includes DP's.

Between March 31, 1946, and June 30, 1948, 798 Lithuanians displaced persons were admitted.[46] Twelve students from Lithuania entered this country during the fiscal year 1948, under section 4 (e) of the Immigration Act of 1924.

During the fiscal year 1948, six Lithuanians were excluded at American ports of entry for various reasons.[47] No Lithuanians were, however, listed as deported, or as alien seamen deserted from vessels. Since 1908, 3,987 immigrant aliens from Lithuania have returned from the United States to their native country.[48]

(2) Distribution of population

At the time of the census of 1940, there were 394,811 Lithuanians in the United States, of whom 229,040 were native-born and 165,771 were foreign-born. Of the foreign-born group, 91,601 were males and 74,170 were females.[49]

Of the foreign-born Lithuanians 141,852 or 85.5 percent lived in urban areas (76,990 males and 64,862 females); 15,088 or 9.1 percent in rural nonfarm areas (9,180 males and 5,908 females); and 8,831 or 5.4 percent in rural farm areas (5,431 males and 3,400 females).[50] Nearly all foreign-born Lithuanians (155,160 or 93.6 percent) were living in the North. Pennsylvania had 27,948, New York State 22,455, and Massachusetts 20,730.[51] The South contained 6,955, or 4.13 percent, and the West 3,756, or 2.27 percent.

[42] Ibid, p. 184.
[43] U. S. Bureau of the Census, Census of 1940, Population (1940), vol. II, pt. 1, table 36, pp. 88-89.
[44] Brown and Roucek, One America (1945), p. 632.
[45] Immigration and Naturalization Service, Annual Report, 1948, table 6.
[46] Ibid., table 6B.
[47] Ibid., table 21.
[48] Ibid., table 13.
[49] U. S. Bureau of the Census, Census of 1940, Population (1940), vol. II, pt. 1, table 14, p. 42.
[50] Id.
[51] Ibid., table 36, pp. 88-89.

(3) Naturalization and assimilation

Lithuanians do not assimilate easily nor rapidly, as reflected in the low rate of naturalization, only 55.8 percent in 1940, the lowest among European immigrants. The rate of illiteracy is rather high, surpassed only by immigrants from Italy, Syria, Portugal, and the Azores. Before 1914 there were no Lithuanian schools in their native country.[52]

The Lithuanian press plays an important part in the life of the Lithuanian-Americans. The first Lithuanian newspaper in pure text was the Vienybe Lietuivninku (Lithuanian Unity), which appeared in Plymouth, Pa., in 1884, but was later transferred to Brooklyn; it is now published as the Vienybe (Unity). In 1885, the Lietuvos Balsas (Lithuanian Voice) appeared in New York City. In all, 31 Lithuanian periodicals were published in the United States in 1940.

Some 37,849 Lithuanians were naturalized between 1939 and June 30, 1948, including 771 during the fiscal year 1948. The following are the numbers naturalized during the past 5 fiscal years: [53]

	Number		*Number*
1944	6, 624	1947	1, 061
1945	3, 581	1948	771
1946	2, 250		

(4) Employment

Few Lithuanians have turned to farming in the United States. They are found mainly in Pennsylvania, Michigan, Illinois, Connecticut, and New Jersey. Generally, they have gone into industrial pursuits but the second generation is entering the professional classes.[54]

(5) Religion

The majority of the Lithuanians are Roman Catholic. The first Lithuanian National Catholic Church was founded in 1944, in Scranton, Pa. In 1944 there were about 120 Lithuanian parishes throughout the country. The liturgy is Lithuanian.

(6) Crime

In the 1933 Nation-wide census of prisons and jails, covering the the population 15 years old and over, the foreign-born Lithuanians had a felony rate of 0.2 per 1,000 population and an over-all crime rate of 5.0 per 1,000. The major crimes for which Lithuanians were committed were: [55]

Crime:	*Number committed*	Crime—Continued	*Number committed*
Homicide	3	Larceny, except auto theft	4
Aggravated assault	4	Stolen property	1
Other assault	2	Forgery	2
Robbery	3	Violation of liquor laws	3
Burglary	4	Other offenses	9
Fraud, embezzlement	1		
Sex offenses	1	Total	[1] 37

[1] U. S. Bureau of the Census, Prisoners in State and Federal Penitentiaries and Reformatories 1933 (1935), table 25, p. 29.

[52] Brown and Roucek, op. cit., p. 190.
[53] Immigration and Naturalization Service, Annual Report, 1948, table 39.
[54] Brown and Roucek, One America (1945), p. 186 ff.
[55] U. S. Bureau of the Census, Prisoners in State and Federal Penitentiaries and Reformatories, 1933 (1935), table 25, p. 29.

r. Luxemburgers

(1) Background of immigration

For many years, Luxemburg was part of the Netherlands. During the French Revolution, the French-speaking part became a portion of Belgium and the German-speaking part became independent.

The first year in which Luxemburgers were officially enumerated as such by the Immigration and Naturalization Service was 1921.[56] From 1921 to 1948, 1,930 immigrants from Luxemburg were admitted. Yet, in 1940, almost 7,000 persons gave Luxemburg as the country of their origin.

(2) Distribution of population

At the time of the 1940 census, there were only 6,886 foreign-born natives of the Duchy of Luxemburg in the United States[57]—4,041 males and 2,845 females. Of the foreign-born group 4,460 or 64.5 percent lived in urban territory (2,447 males and 2,013 females); 1,094 or 16 percent in rural nonfarm areas (686 males and 408 females); and 1,332 or 19.5 percent in rural-farm areas (908 males and 424 females).[58]

Despite their small number, there were some Luxemburgers in every State of the Union. Illinois, with 2,034, or 29.5 percent, was the only State with more than 1,000.

The geographical distribution of the foreign-born Luxemburgers in 1940 was as follows: [59]

Area:	*Number*
North	5,757
South	225
West	904

(3) Naturalization and assimilation

The Luxemburgers are much like the Belgians in appearance, in mannerism, personal habits, and in speech. During the 10 years ending June 30, 1948, only 917 were naturalized, including 40 naturalized during the fiscal year 1948. The numbers naturalized during the fiscal years 1944–48 were: [60]

	Number		*Number*
1944	147	1947	42
1945	64	1948	40
1946	43		

s. Norwegians

(1) Background of immigration

Norwegian immigration to this country dates from 1825, when the first organized company of Norwegians arrived in New York. Eleven years later, another group pushed westward into La Salle County, Ill. The first settlements in New York and Illinois did not, however, attract many subsequent arrivals. Wisconsin, where the first Norwegian pioneers established a colony at Muskego, near Milwaukee, in 1839, became the goal of most Norwegians prior to 1850.[61]

[56] Brown and Roucek, op. cit., p. 632.
[57] U. S. Bureau of the Census, Census of 1940, Population (1940), vol. II, pt. 1, table 14, p. 42.
[58] Ibid.
[59] U. S. Bureau of the Census, Census of 1940, Population (1940), vol. II, pt. I, table 36, pp. 88–89.
[60] Immigration and Naturalization Service, Annual Report, 1948, table 39.
[61] Brown and Roucek, op. cit., pp. 51 ff.

Since 1820, immigration from Norway totaled over 800,000.[62] The annual quota for Norway under existing law is 2,377 per year.[63] During the fiscal year ended June 30, 1948, 2,687 immigrants of Norwegian birth were admitted into the United States, distributed into the following classes: [64]

Class:	*Number*
Quota immigrants	[1] 2,460
Husbands of citizens	3
Wives of citizens	136
Unwed children of citizens	32
Nonquota countries	6
Ministers, wives, children	17
Professors, wives, children	30
Other classes	3
Total	2,687

[1] Includes DP's.

Between March 31, 1946, and July 1, 1948, four Norwegian displaced persons were admitted. A total of 239 Norwegian students were admitted during the fiscal year 1948 under section 4 (e) of the Immigration Act of 1924. During the same fiscal year, 377 Norwegian seamen deserted their ships and made illegal entry.[65]

(2) Distribution of population

Since 1908, 49,583 immigrants have returned to Norway, the greatest number (19,124) between 1911 and 1920. In recent years emigration has been exceedingly light. In the fiscal year 1948, for example, only 577 Norwegian immigrants returned to their homeland.[66]

Of a total of 924,688 Norwegians in the country in 1940, 662,600 were native-born and 262,088 were foreign-born (145,621 males and 116,467 females). Of the foreign-born, 61,737 or 23.5 percent were located in rural farm areas (36,659 males and 25,080 females); 153,434 or 58.5 percent in urban areas (82,098 males and 71,336 females); and 46,917 or 18 percent in rural nonfarm areas (26,866 males and 20,051 females).[67]

In 1940, 52,025 or 22.7 percent of the foreign-born Norwegians were located in Minnesota. New York had 37,169, Wisconsin 23,211, and North Dakota 21,637. The foreign-born Norwegians were geographically distributed as follows: [68]

Area	Number	Percent
North	197,765	75.3
South	4,732	1.9
West	59,591	22.8

(3) Naturalization and assimilation

The Norwegians assimilate readily and have a relatively high naturalization rate, 75.2 percent in 1940, as compared with 64.6 percent for

[62] Brown and Roucek, op. cit., p. 632.
[63] Immigration and Naturalization Service, Annual Report, 1948, table 7.
[64] Ibid., table 6.
[65] Ibid., table 22.
[66] Ibid., table 13.
[67] United States Bureau of the Census, Census of 1940, Population (1940), vol. II, pt. 1, table 14, p. 42.
[68] Ibid., table 36, pp. 88-89.

all nationalities.[69] Between 1939 and June 30, 1948, 35,064 Norwegians or those claiming Norway as their country of origin were naturalized. Following are the numbers naturalized during recent fiscal years: [70]

1944	6,031	1947	1,099
1945	2,838	1948	919
1946	1,819		

The first Norwegian newspaper in America was the Nordlyset (Northern Lights) published in Muskego, Wis., from 1847 to 1849. While nearly 500 Norwegian papers were established from time to time, most of them lasted but a few years. The two leading papers still appearing are the Decorah Posten (Decorah, Iowa) and the Skandinaven (Chicago, Ill.). Both were founded in 1866 and thus span the period of heaviest Norwegian immigration. The Sons of Norway and the Daughters of Norway are fraternal orders which flourish almost exclusively in the cities.[71]

(4) Education—Religion

As a whole, Norwegian immigrants have been a literate group, since education in Norway is compulsory from 7 to 14 years and the school system is highly organized.[72] Norwegians in America have founded almost every kind of school. Day schools were maintained by many congregations almost from the first but the second generation has generally given them up in favor of the public schools. A few normal schools and "ladies' seminaries" were maintained for a number of years, only to become extinct along with the academies in the 1920's. The only important remaining Norwegian institution is the Luther Seminary in St. Paul, Minn.[73]

(5) Crime

The last Nation-wide census of prisons and jails (1933) showed a Norwegian felony crime ratio of 0.1 per 1,000 population. The overall crime ratio, including misdemeanors and felonies, was 3.8 per 1,000 population (for Norwegian foreign-born 15 years of age and over).

The major crimes for which Norwegians were incarcerated were: [74]

Crime:	Number committed	Crime—Continued	Number committed
Robbery	3	Other sex offenses	4
Aggravated assault	2	Forgery	7
Other assault	3	Fraud, embezzlement	3
Burglary	2	Violation of liquor laws	2
Larceny	7	Other offenses	3
Auto theft	2		
Rape	2	Total	40

t. Poles

(1) *Background of immigration*

Poles were among the group of settlers at Jamestown, Va., in 1607. John Sadowski set up a trading post in 1735 which was the forerunner of Sandusky, Ohio. The first exclusively Polish colonies were estab-

[69] Brown and Roucek, One America (1945), p. 657.
[70] Immigration and Naturalization Service, Annual Report, 1948, table 39.
[71] Brown and Roucek, op. cit. pp. 56, ff.
[72] World Almanac (1949), p. 530.
[73] Brown and Roucek, op. cit. pp. 56, ff.
[74] U. S. Bureau of the Census, Prisoners in State and Federal Reformatories and Penitentiaries 1933 (1935), table 25, p. 29.

lished in Texas in 1854, when such towns as Panna Maria and Czechstochowa were founded.[75]

For the period between 1899 and 1919, the Poles were counted in with the Germans, Austrians, and Hungarians, or with the Russians. Thus, while statistics of the Immigration and Naturalization Service show that only 419,957 immigrants from Poland were legally admitted between 1820 and 1948, nearly 1,000,000 foreign-born Poles were enumerated in 1940. The annual Polish quota is 6,494. During the fiscal year ending June 30, 1948, 8,020 Polish immigrants were admitted, as follows:[76]

Class:	*Number*
Quota immigrants	[1] 6, 143
Husbands of citizens	58
Wives of citizens	972
Unwed children of citizens	180
Wives, children of natives, nonquota countries	36
Ministers, wives, children	413
Professors, wives, children	218
Total	8, 020

[1] Includes displaced persons.

Between March 30, 1946, and June 30, 1948, 10,776 Polish displaced persons were admitted under the Presidential directive of December 22, 1945.[77] During the fiscal year 1948, 490 Polish students entered the United States under section 4 (e) of the Immigration Act of 1924. During the same period, 62 Polish seamen entered the country illegally by deserting their vessels in American ports.[78] In addition, 159 Poles were excluded at various ports,[79] while 206 aliens emigrated from this country (122 males and 84 females).[80]

(2) Distribution of population

In 1940, there were 2,905,859 Poles in this country, of whom 993,497 were foreign-born [81] (529,543 males and 469,936 females). Of the foreign-born Poles, 854,450, or 86 percent, were living in urban areas (444,194 males and 410,256 females); 81,712, or 8.2 percent, in rural nonfarm areas (46,623 males and 35,089 feamles); and 65,166, or 5.8 percent, in rural farm areas (32,726 males and 24,591 females). Of the foreign-born Poles, 939,416, or 94.5 percent, were living in the North, 30,962 or 3.1 percent in the South, and 23,101, or 2.4 percent, in the West. New York State had 281,080, Pennsylvania 117,319, Illinois 138,700, and Michigan 96,826.[82]

(3) Naturalization and assimilation

The Poles have been able to retain their cultural pattern within the American civilization to an unusual degree, due to the persistence with which the Polish immigrant clings to memories of his nationality and to the many Polish-American institutions in America.[83]

The Poles are exceedingly gregarious. They have some 10,000 dramatic, literary, social, singing, religious, and athletic societies, such

[75] Brown and Roucek, op. cit., p. 136.
[76] Immigration and Naturalization Service, Annual Report, 1948, table 6.
[77] Visa Division, State Department, final report, October 5, 1948.
[78] Immigration and Naturalization Service, Annual Report, 1948, table 22.
[79] Ibid., table 21.
[80] Ibid., table 14.
[81] U. S. Bureau of the Census, Census of 1940, Population (1940), vol. II, pt. 1, table 14, p. 42.
[82] Ibid., table 36, pp. 88–89.
[83] Brown and Roucek, op. cit., p. 142.

as the Alliance of Polish Literary and Dramatic Circles of America, Polish Veterans' Association, Pulaski Legion of America, and Polish Associated Federal Employees.[84] Their Polish organizations have a membership estimated at 1,000,000. The Polish National Alliance, organized in 1879, has approximately 300,000 members, with 2,300 branches in 26 States.

At the time of the 1940 census, 2,416,320 people claimed Polish as their mother tongue.[85] In 1930, there were 15 Polish daily newspapers, 64 weeklies, 4 biweeklies, 41 monthly publications, and 3 quarterlies. During the depression, the number of dailies dropped to 11. The oldest is the Kurjer Polski, founded in 1888 in Milwaukee. Nearly all the periodicals and newspapers contain material in English for the younger generation. According to a 1946 survey, there were 18 Polish publications in New York, 14 in Pennsylvania, 10 in Illinois, 7 in Michigan, and 6 in Wisconsin.[86]

The Poles have never ranked high in naturalization. In 1920, of all the foreign-born Poles in the United States, only 28 percent were naturalized. By 1930 the percentage had risen to 50.5, and by 1940 to 59.7. Naturalization of those claiming Poland as their place of nativity was, for recent years:[87]

1944	42,758	1947	6,495
1945	20,812	1948	5,136
1946	12,907		

(4) Education—religion

The major portion of the Poles are Roman Catholic. Some 400,000 of them are members of the so-called Polish National Catholic Church. The Poles support a rather large number of educational institutions. The Polish National Alliance maintains a nonsectarian college.[88]

(5) Crime

The prison and jail commitment rate for foreign-born Poles in 1933 was 6.1 per 1,000 population. For felonies, the rate was 0.22 per 1,000. The crimes for which they were committed were:[89]

Crime:	Number committed	Crime—Continued	Number committed
Homicide	21	Rape	7
Robbery	24	Other sex offenses	14
Aggravated assault	13	Forgery	16
Other assault	18	Violation drug laws	1
Burglary	54	Violation liquor laws	12
Larceny	35	Other offenses	37
Auto theft	4		
Fraud, embezzlement	6	Total	262

u. Portuguese

(1) Background of immigration

The earliest recorded settlement of Portuguese in this country was in 1765 in the coastal towns of Massachusetts. The New England whaling industry attracted Portuguese from time to time.[90] A number migrated to California during the gold rush of 1849. The Homestead Act of 1865 and the subsequent population movement westward

[84] Ibid., p. 138.
[85] Ibid., p. 644.
[86] Common Council for American Unity, Interpreter Release, vol. XXIV, No. 26, June 12, 1947, p. 205.
[87] Immigration and Naturalization Service, Annual Report, 1948, table 39.
[88] Brown and Roucek, One America, p. 139.
[89] U. S. Bureau of the Census, Prisoners in State and Federal Penitentiaries and Reformatories, 1933 (1935), table 25, p. 29.
[90] Brown and Roucek, op. cit., p. 277.

brought others, especially around the turn of the twentieth century.

By 1899, the Portuguese were one of the dominant labor groups in the cotton mills of New Bedford. In California, many became farmers after abandoning the fishing industry. By 1920, the Portuguese ranked third highest in land ownership and fourth highest in farm values in California. In addition, they were said to control about 75 percent of the cattle in the State.[91]

As early as 1820, 120 foreign-born Portuguese were enumerated in this country. Total immigration from Portugal between 1820 and 1948 was 261,079. From 1911 to 1920, 89,732 were legally admitted; 890 arrived during the fiscal year 1948, as follows:[92]

Class:	*Number*
Quota immigrants	[1] 443
Husbands of citizens	18
Wives of citizens	237
Unwed children of citizens	177
Wives, children of natives of nonquota countries	8
Ministers, wives, children	2
Professors, wives, children	4
Other classes	1
Total	890

[1] Includes DP's.

Between March 31, 1946, and June 30, 1948, nine Portuguese displaced persons were admitted.

During the fiscal year 1948, 59 aliens were deported to Portugal from the United States, for the following causes:[93]

Cause:	*Number*
Criminals	2
Mental or physical defective	4
Previously deported	1
Overstayed	14
Improper documents	16
Abandoned status	11
False statements	11

In addition, 35 Portuguese were excluded, while 166 Portuguese seamen deserted their vessels while in American ports.[94] Since 1908, 73,824 immigrant aliens have returned to Portugal from the United States, 394 during the fiscal year 1948.[95]

(2) Distribution of population

Of the 176,407 Portuguese in this country in 1940, 114,060 were native-born and 62,347 foreign-born. Eighty percent of the foreign-born lived in three States—Massachusetts, California, and Rhode Island.[96] The largest settlements of Portuguese are in Boston, Cambridge, Lowell, Fall River, and New Bedford, Mass.; Providence, R. I.; and in Oakland, Calif.[97]

Almost 31 percent of the Portuguese foreign-born are in the West, according to the 1940 census, 68 percent in the North, and less than

[91] Ibid.
[92] Immigration and Naturalization Service, Annual Report, 1948, table 6.
[93] Ibid., table 24.
[94] Ibid., tables 21 and 22.
[95] Brown and Roucek, op. cit., p. 637; Immigration and Naturalization Service, Annual Report, 1948, table 13.
[96] United States Bureau of the Census, Census of 1940, Population (1940), vol. II, pt. 1, table 14, p. 42.
[97] Brown and Roucek, op. cit., p. 279.

1 percent in the South. The geographical distribution of the foreign-born Portuguese was: [98]

Area:	Number
North	42, 567
West	19, 247
South	533

Of the foreign-born Portuguese, 36,143 were males and 26,204 were females. There were 47,111, or 75.6 percent, in urban areas (26,821 males and 20,290 females); 8,249, or 13.2 percent, in rural farm areas (5,113 males and 3,136 females); and 6,987, or 11.2 percent, in rural nonfarm areas (4,209 males and 2,778 females).[99]

(3) Naturalization and assimilation

The Portuguese-Americans have numerous societies and organizations. Sick and death benefit organizations include the Azoreana, St. Michael's Portuguese Benefit Society, and St. Pedro Portuguese Society. There are at least four active Portuguese fraternal organizations in California, two of which have women's auxiliaries, as well as five newspapers printed in Portuguese. About 50 percent of the Portuguese children in California are bilingual. Two radio stations, in Long Beach and Oakland, broadcast programs in Portuguese each week. The Portuguese do not easily assimilate because of cultural, social, and language differences. They have tended to segregate themselves from other groups.[1]

From 1939 to 1948, 28,677 Portuguese were naturalized. Figures for those naturalized in recent years are: [2]

1944	4, 589	1947	1, 286
1945	3, 330	1948	1, 011
1946	2, 237		

(4) Religion

With only minor exceptions, the Portuguese are Roman Catholic. In the 1850's, about 500 Protestant Portuguese from Madeira were induced to come to the United States by the American Protestant Society, eventually settling near Springfield and Jacksonville, Ill.[3]

(5) Crime

There are no statistics available on the recent crime rate of the foreign-born Portuguese. A report of the Special Committee on Immigration of the State of New York, based on the foreign-born population of 1930, showed a crime rate of 1.3 per 1,000 population for Portuguese in Federal and State penitentiaries and reformatories.[4]

v. Rumanians

(1) Background of immigration

While more than 240,000 persons gave Rumania as the country of their origin in 1940, only 65,520 listed Rumanian as their mother tongue. From 1880 to 1948, immigration from Rumania totaled 158,208.[5] The annual quota is 295. Those arriving in 1948 were divided as follows:[6]

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[98] United States Bureau of the Census, Census of 1940, Population (1940), vol. II, pt. 1, table 36, pp. 88-89.
[99] U. S. Bureau of the Census, census of 1940, population (1940), vol. II, part I, table 36, p. 88.
[1] Brown and Roucek, One America (1945), p. 279.
[2] Immigration and Naturalization Service, Annual Report, 1948, table 39.
[3] Brown and Roucek, Op. Cit., p. 278.
[4] Harry H. Laughlin, Immigration Control, 1934, p. 31.
[5] Immigration and Naturalization Service, Annual Report (1948), table 4.
[6] Ibid., table 6.

Class:	Number
Quota immigrants	[1] 400
Husbands of citizens	22
Wives of citizens	158
Unwed children of citizens	29
Wives, children of natives from nonquota countries	4
Ministers, wives, children	124
Professors, wives, children	33
Total	770

[1] Includes 266 DP's.

In addition, 155 Rumanian students entered the United States under section 4 (e) of the Immigration Act of 1924.

(2) Distribution of population

Of the 247,400 Rumanians in this country in 1940, 115,940 were foreign-born (61,596 males and 54,344 females). Those in urban areas numbered 104,324, or 89.9 percent (54,722 males and 49,602 females); in rural nonfarm areas, 6,325 or 5.5 percent (3,754 males and 2,571 females); and in rural farm areas, 5,291, or 4.6 percent (3,120 males and 2,171 females).[7]

Of the foreign-born Rumanians, 104,269, or 89.9 percent, were located in the North, 7,810, or 6.7 percent, in the West, and 3,861, or 3.4 percent, in the South. New York State had 43,850, or 38.85 percent, of the total. Other States with more than 10,000 foreign-born Rumanians were Ohio, with 13,747 and Pennsylvania, with 10,652.[8]

(3) Naturalization and assimilation

Since nearly 50 percent of the population of Rumania was illiterate at the time most of the Rumanian immigrants came to the United States, they required many years to become culturally acclimated. Until the 1920's, approximately 90 percent of the Rumanian immigrants were single males and association together retarded their Americanization, even their learning of the English language.[9]

Although their number in the United States is relatively small, the Rumanians have several newspapers and periodicals in their own language. Among these are America, Foia Poporului (The People's News), Viata Noua (The New Life), and Solia (The Herald).[10]

The percentage of Rumanians becoming citizens has increased considerably during the past few decades. In 1920, their rate of naturalization was only 41.1 percent. By 1930, this had risen to 60.3 percent, and by 1940, to 68.9 percent.[11] The most recent data available on the naturalization of aliens owing former allegiance to Rumania are as follows: [12]

1944	8,137	1947	929
1945	3,730	1948	832
1946	1,829		

(4) Employment

Although most of the Rumanian immigrants were originally agricultural workers, many have found work in mills, factories, and mines.

[7] U. S. Bureau of the Census, Census of 1940, Population (1940), vol. II, pt. 1, table 14, p. 42.
[8] Ibid., table 36, pp. 88-89.
[9] Brown and Roucek, op. cit., p. 226.
[10] Ibid., p. 230.
[11] Ibid., p. 657.
[12] Immigration and Naturalization Service, Annual Report (1948), table 39.

A number have continued in their native trade of farming or sheep-herding.

(5) *Education—Religion*

Statistics on education of Rumanians are not available. It has already been pointed out that the major proportion of the Rumanian immigrants were illiterate.

Approximately 70 percent of the Rumanians are of the Greek Orthodox faith, nearly 20 percent are members of the Greek Catholic Church, about 7 percent are Jews, and the balance is scattered among Protestant groups, chiefly Baptists.[13]

(6) *Crime*

The 1933 Nation-wide census of prisons and jails, covering persons 15 years and older, showed for foreign-born Rumanians, an over-all crime rate of 0.17 per 1,000 population. The felony rate was 0.016 per 1,000, and commitments were as follows: [14]

Crime:	*Number committed*	Crime—Continued	*Number committed*
Homicide	1	Rape	1
Robbery	4	Forgery	1
Aggravated assault	1	Stolen property	2
Other assault	0	Violation of liquor laws	1
Burglary	3	Other offenses	3
Larceny	5		
Fraud, embezzlement	2	Total	24

w. Spaniards

(1) *Background of immigration*

Only small numbers of Spanish immigrants migrated to the United States from 1820 to 1890, the largest influx coming between 1851 and 1860, when 9,298 were admitted. Between 1890 and 1900, 28,000 immigrants from Spain entered, and 68,500 between 1900 and 1910.[15] Since 1820, immigration from Spain to the United States has totaled over 170,000. At present, their annual quota is 252.[16] During the fiscal year 1948, a total of 509 immigrants from Spain entered this country, as follows: [17]

Class:	*Number*
Quota immigrants	[1] 189
Husbands of citizens	5
Wives of citizens	151
Unwed children of citizens	82
Wives, children of natives non-quota countries	12
Ministers, wives, children	18
Professors, wives, children	52
Total	509

[1] Includes DP's.

In addition, 83 Spanish students were admitted during the fiscal year 1948. A total of 103 Spanish seamen deserted their vessels while in American ports,[18] 223 aliens were excluded, and 33 aliens were deported to Spain. The causes for deportation were:[19]

[13] Brown and Roucek, op. cit., p. 227.
[14] U. S. Bureau of the Census, Prisoners in State and Federal Penitentiaries and Reformatories, 1933 (1935), table 25, p. 29.
[15] Brown and Roucek, One America (1945), p. 271.
[16] Immigration and Naturalization Service, Annual Report, 1948, table 7.
[17] Ibid, table 6.
[18] Ibid., table 22.
[19] Ibid., table 24.

Criminal	4
Violation drug laws	1
Previously deported	2
Overstay	10
Improper papers	10
Abandoned status of admission	2
False papers, etc	4
Total	33

Between 1908 and 1948, 73,450 emigrant aliens returned to Spain from the United States; 29,291 returned from 1921 to 1930.[20]

(2) Distribution of population

Of a total Spanish population of 109,407 in the United States in 1940, 47,707 were foreign-born (32,770 males and 14,937 females).[21]

Of the foreign-born, 37,693, or 79 percent, resided in urban areas (25,686 males and 12,007 females); 6,622, or 13.9 percent, lived in rural nonfarm areas (4,624 males and 2,778 females); and 3,392, or 7.1 percent, in rural farm areas (2,460 males and 932 females). Of the foreign-born, 26,703, or 56 percent, were located in the North, 14,596, or slightly over 30 percent, in the West, and 6,408, or 13.4 percent, in the South.[22] Over 23 percent were in California; Florida had 3,248, and New York, the leader, 16,147.

(3) Naturalization and assimilation

It is estimated that between 2.5 and 3 million people in the United States use Spanish as their native language, although only 1,861,400 listed Spanish as their mother tongue in 1940. The major portion, approximately 85 percent, were of Mexican origin, a substantial number were of other Latin-American stock.

The Spanish foreign-born tend to settle in or create new Spanish communities in which their language, customs, and institutions are perpetuated. They have their own social and fraternal organizations, as well as mutual benefit societies, which care for the sick, provide death benefits, furnish legal advice, and carry on social and some educational activities.[23]

The Spanish newspapers have a twofold problem of serving the older element, whose interests are chiefly in the homeland, and the younger people, who are bilingual and whose interests reach beyond their minority groups. The press is further confronted with the problem of serving diverse Spanish-speaking interests.[24] The paper with the largest circulation and with the most inclusive coverage is La Prensa in New York City.

During the 10-year period ending June 30, 1948, a total of 21,095 Spaniards were naturalized in the United States; included in that number are the 749 naturalized during the fiscal year 1948.[25]

(4) Religion

The church and the family are the two important ties which bind the Spaniards together.[26] Dominantly Catholic, much of their cultural life centers around the church. In Los Angeles alone, there are 17 Spanish Catholic Churches. Religious and other customs brought

[20] Brown and Roucek, op. cit., p. 637.
[21] U. S. Bureau of the Census, Census of 1940, Population (1940), vol. II, pt. 1, table 14, p. 42.
[22] Ibid., table 36, pp. 88-89.
[23] Brown and Roucek, One America (1945), p. 274.
[24] Ibid.
[25] Immigration and Naturalization Service, Annual Report, 1948, table 39.
[26] Brown and Roucek, op. cit., p. 273.

from Spain or Mexico by the early pioneers still flourish, especially in the Southwest.

(5) Crime

The over-all commitment rate for both felonies and misdemeanors of the foreign-born Spanish population was 7.3 per 1,000 in 1933, while the felony rate was 0.6 per 1,000.

The major crimes for which they were sentenced were: [27]

Crime:	Number committed
Robbery	3
Burglary	6
Larceny	10
Auto theft	1
Forgery	2
Rape	1

Crime—Continued	Number committed
Other sex offenses	1
Violation drug laws	5
Violation liquor laws	1
Other offenses	2
Total	32

x. Swedes

(1) Background of immigration

Swedish immigration dates from 1638, when a group of settlers founded New Sweden on the Delaware River. In 1655, New Sweden became a part of the Dutch domain in America, and for nearly two centuries the number of Swedes coming to America was insignificant.

The Swedes were overwhelmingly agricultural workers. In the 1850's, for example, industrial workers among the Swedish immigrants amounted to only one-fifth of their total. By 1880, the pattern began to show a new trend, along with the growing industrialization of the country, with one-third of the Swedes in industrial pursuits. During the first decade of the twentieth century the proportion rose to one-half.[28]

Between 1820 and 1948, over 1,200,000 Swedes were legally admitted into the United States.[29] The heaviest influx was between 1881 and 1890, when 391,776 arrived; the second largest between 1901 and 1910, when 249,534 entered. The annual quota for Sweden is 3,314.[30]

During the fiscal year 1948, 2,022 immigrants from Sweden were admitted, as follows: [31]

Class:	Number
Quota immigrants	[1] 1,965
Husbands of citizens	2
Wives of citizens	32
Unwed children of citizens	1
Wives, children of natives, nonquota countries	1
Ministers, wives, children	5
Professors, wives, children	13
Women who had been citizens	2
Other classes	1
Total	2,022

[1] Includes DP's.

In addition, 80 Swedish students were admitted under section 4 (e) of the Immigration Act of 1924, while 272 Swedish seamen deserted their vessels and entered the country illegally.[32]

[27] U. S. Bureau of the Census, *Prisoners in State and Federal Penitentiaries and Reformatories, 1933* (1935), table 25, p. 29.
[28] Brown and Roucek, op. cit., p. 61.
[29] Ibid., p. 632.
[30] Immigration and Naturalization Service, Annual Report, 1948, table 7.
[31] Ibid., table 6.
[32] Immigration and Naturalization Service, Annual Report, 1948, table 22.

During the same period, 59 aliens were deported to Sweden, for these reasons.[33]

Class:	Number
Criminal	4
Mental, physical defects	3
Overstay	33
Improper documents	9
Abandoned status	7
False statements, etc	1
Apt to become public charge	2
Total	59

Between 1908 and 1948, 165,346 immigrant aliens returned to Sweden.[34]

(2) Distribution of population

Of the 1,301,390 Swedes in the United States in 1940, 856,320 were native-born while 445,070 were foreign-born (245,469 males and 199,601 females). Of the foreign-born, 69,956, or 15.71 percent, lived in rural farm areas (43,080 males and 26,876 females); 305,934, or 68.7 percent, in urban areas (162,229 males and 143,705 females); and 69,180, or 15.59 percent, in rural nonfarm areas (40,160 males and 29,020 females).[35]

Of the foreign-born Swedes, 10,096, or 2.3 percent, were in the South; 346,424, or 77.8 percent, were in the North (79,348 in Illinois and 67,161 in Minnesota); and 88,550, or 19.9 percent, were in the West (34,899 in California and 26,899 in Washington).[36]

(3) Naturalization and assimilation

The great majority of Swedish-Americans are thoroughly assimilated in the general population of the United States. They have had no important foreign political factions or organizations. Their political activities have been confined largely to American politics, in which they have played a considerable part.

Although some 1,200 Swedish newspapers and periodicals were established during the past 100 years, only a handful survived. The Nordstjernan (The North Star), founded in 1871, and published weekly in New York City, is one of the oldest existing Swedish-American papers in the country. It occasionally carries editorials on world affairs. The Swedish-American Tribune, published in Chicago, is a family paper, with a circulation of about 51,000. Another influential weekly, published in Worcester, Mass., is the Svea (Sweden), with a circulation of over 34,000.

Between 1939 and June 30, 1948, 54,306 Swedes, or those claiming Sweden as their country of birth, were naturalized. The following are the number of aliens owing former allegiance to Sweden who have been naturalized during the past five fiscal years:[37]

	Number		Number
1944	8,106	1947	1,405
1945	3,809	1948	1,199
1946	2,482		

[33] Ibid., table 24.
[34] Brown and Roucek, op. cit., p. 637; Immigration and Naturalization Service, Annual Report, 1944-48, table 13.
[35] U. S. Bureau of the Census, Census of 1940, Population (1940), vol. II, pt. 1, table 14, p. 42
[36] Ibid., table 36, pp. 88-89.
[37] Immigration and Naturalization Service, Annual Report, 1948, table 39.

By 1940, 77:1 percent of the foreign-born Swedes in this country had become naturalized citizens.

(*4*) *Employment*

Swedish-Americans have cleared and cultivated more than 10,000,000 acres of land in the United States. They are excellent horticulturalists, landscape gardeners, fruit growers, and nurserymen.

(*5*) *Education—Religion*

The Swedes are literate, and many of them speak two or three languages fluently. The majority of Swedish-Americans are members of the Lutheran Augustana Synod. In the early days of the synod, the Swedish language was used. Today about 75 percent of its members are either native-born or have been in America since early childhood. The English language is used almost exclusively in the work among the children and young people. A number of Swedish Baptists have come to America and a number of Swedish Mormons settled in Utah.[38]

(*6*) *Crime*

At the time of the last Nation-wide census of prisons and jails, the over-all crime rate for foreign-born Swedes was 3.8 per 1,000 population, and the felony crime rate was 0.1 per 1,000 population. The major crimes for which Swedes were committed were: [39]

Crime:	*Number committed*	Crime—Continued	*Number committed*
Homicide	2	Rape	2
Aggravated assault	2	Other sex offenses	3
Other assault	2	Forgery	7
Robbery	5	Violation drug laws	1
Burglary	8	Violation liquor laws	4
Larceny	8	Other offenses	8
Fraudulent embezzlement	3		
Auto theft	2	Total	58
Stolen property	1		

y. Swiss

(*1*) *Background of immigration*

The first distinctly Swiss settlement is reported to have been established in 1670 in the vicinity of Charleston, S. C. Some 13 years later, another Swiss group founded New Bern, N. C.[40] After 1710, several waves of Swiss Mennonites reached Pennsylvania and the Carolinas. Since 1820, about 300,000 Swiss immigrants have come to the United States.[41] The annual quota for Switzerland is 1,707.[42] During the fiscal year 1948, 1,426 Swiss immigrants were admitted into the country, divided into the following classes: [43]

[38] Brown and Roucek, One America (1945), p. 64 ff.
[39] U. S. Bureau of the Census, Prisoners in State and Federal Penitentiaries and Reformatories, 1933 (1935), table 25, p. 29.
[40] Brown and Roucek, op. cit., pp. 113 ff.
[41] Ibid., p. 632.
[42] Immigration and Naturalization Service, Annual Report, 1948, table 7.
[43] Ibid., table 6.

Class:	Number
Quota immigrants	[1] 1,331
Husbands of citizens	1
Wives of citizens	67
Unwed children of citizens	9
Wives, children of natives, nonquota countries	3
Ministers, wives, children	3
Professors, wives, children	8
Women who had been citizens	1
Other classes	3
Total	1,426

[1] Includes DP's.

In addition 58 Swiss students were admitted under section 4 (e) of the Immigration Act of 1924. Between March 31, 1946, and July 1, 1948, a total of 12 Swiss displaced persons were admitted.

Since 1908, 16,835 immigrants have gone back to Switzerland,[44] 318 departing during the fiscal year 1948.

(2) Distribution of population

Almost 20 percent of the Swiss foreign-born population in the United States in 1940 was located in California.[45] At that time, the total Swiss-American population numbered 293,973, of whom 205,680 were native-born and 88,293 were foreign-born (49,612 males and 38,681 females). There were 53,697 foreign-born Swiss living in urban areas (28,543 males and 25,154 females); 15,637 in rural nonfarm areas (9,030 males and 6,607 females); and 18,959 in rural farm areas (12,039 males and 6,920 females).[46]

Over 30 percent of the foreign-born Swiss was in the West. California, with 16,888, led all other States; Oregon had 3,172 and Washington 2,858. New York State ranked second to California with 14,120. The geographical distribution was as follows: [47]

Area	Number	Percent
North	55,904	63.3
West	27,138	30.7
South	5,251	6.0

(3) Naturalization and assimilation

Like other immigrant groups, the Swiss have their benevolent, social, and other organizations. The most notable one is the Nordamerikanische Schweizer Bund, with headquarters in St. Louis. It has a membership of nearly 10,000 and almost 90 branches. Other national groups are the Saengerbund (a singing society), Helvetia Association of North America (a Swiss hotel employees' mutual benefit society), Swiss American Historical Society, and the Helvetia Mannerchor (another singing group organized as early as 1858). In addition, there are numerous clubs of a strictly local character, as well as charitable organizations, one of the oldest being the Swiss Charitable Institution of New York, founded in 1832.[48]

[44] Brown and Roucek, One America (1945), p. 637; Immigration and Naturalization Service, Annual Report, 1948, table 13.
[45] U. S. Bureau of the Census, Census of 1940, Population (1940), vol. II, pt. 1, table 36, pp. 88-89.
[46] Ibid., table 14, p. 42.
[47] Ibid., table 36, pp. 88-89.
[48] Brown and Roucek, op. cit., pp. 115 ff.

Because of the original differences in Swiss language, their newspapers and periodicals are printed in German, French, or Italian. The Amerikanischer Schweizerzeitung has been published since 1868 in New York City. The Colonia Svizzera, of San Francisco, is for the Italo-Swiss, while the French-Swiss in the eastern part of the country read the Courrier des États Unis, a weekly. Other publications are the Schweizer Journal of San Francisco, the Green County Herald, Monroe, Wis., and the Swiss-American News of Detroit.[49]

In the 10-year period ending June 30, 1948, a total of 13,799 Swiss were naturalized.[50] As of 1940, the Swiss naturalization rate was 73.6 percent.[51] Naturalization figures for the fiscal years 1944–48 are:[52]

1944	1,891	1947	585
1945	1,040	1948	493
1946	841		

(4) Employment

Because of the advantages of language studies which they have had in the old country, a number of Swiss-Americans have become teachers of modern languages in American high schools and colleges. Many are found in the following trades and industries: Grape wine, poultry, hotel and restaurant, dairy and cheese, silk, jewelry and watches, and embroidery and laces. It is particularly in the silk industry that the Swiss have attained a place of high importance, their holdings being valued at millions of dollars.[53]

(5) Religion

The Swiss in the United States are divided into three linguistic groups: German-Swiss, French-Swiss, and Italian-Swiss. The first constitutes about 80 percent of the total and many of these are Mennonites, residing chiefly in Lancaster County, Pa., where they have retained the customs, traditions, and manners of their forebears. Some have become members of other churches such as Lutheran, Calvinist, and Catholic.[54]

(6) Crime

A report on commitments to State and Federal prisons indicated a Swiss crime rate of 0.055 per 1,000 population in the United States.[55]

z. Turks

(1) Background of immigration

In 1820, there were 21 Turks in the United States. Since then over 361,000 Turks, both from European and Asiatic Turkey, have been legally admitted. The peak decades were 1901 to 1910, when 157,369 arrived, and 1910 to 1920, when 134,057 entered.[56]

From 1941 through fiscal year 1948 only 1,052 Turks entered the country. During the fiscal year ended June 30, 1948, 188 were admitted. The annual quota is 226. Between March 31, 1946, and July 1, 1948, 16 displaced persons of Turkish birth were admitted.

No aliens were deported to Turkey during the 1948 fiscal year.[57]

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[49] Ibid.
[50] Immigration and Naturalization Service, Annual Report, 1948, table 39.
[51] Brown and Roucek, op. cit., p. 657.
[52] Immigration and Naturalization Service, Annual Report, 1948, table 39.
[53] Brown and Roucek, op. cit., pp. 115 ff.
[54] Ibid.
[55] Harry H. Laughlin, Immigration Control (1934), p. 31.
[56] Brown and Roucek, One America (1945), p. 632.
[57] Immigration and Naturalization Service, Annual Report, 1948, table 24.

(2) Distribution of population

In 1940, there were 104,201 Turks in the United States, of whom 47,310 were native-born and 56,891 were foreign-born. Of the foreign-born, 33,478 were males and 23,413 were females. The major portion, 52,950, or 93.05 percent, lived in urban areas (30,885 males and 22,065 females); 2,603, or 4.6 percent, in rural nonfarm areas (1,764 males and 839 females); and 1,338, or 2.35 percent, in rural farm areas (829 males and 509 females).[58]

In 1940 82.6 percent (47,011) of the foreign-born Turks were living in the North, 20,817 of them in the State of New York. Their geographical distribution was as follows: [59]

Area	Number	Percent
North	47,011	82.6
South	2,952	5.2
West	6,928	12.2

(3) Naturalization and assimilation

During the 10-year period ending June 30, 1948, 19,164 persons claiming Turkey as their country of origin, were naturalized. The total naturalized during the fiscal years 1944–48 was: [60]

1944	3,115	1947	522
1945	1,571	1948	481
1946	1,039		

Chief among the Christian groups who have emigrated from Turkey are the Greeks, Syrians, Armenians, Bulgars, Serbs, and Montenegrins. In addition there has been emigration from Turkey of Jews and Turks, the latter group being principally Mohammedan.[61]

The Turks in the United States are almost without exception of the laboring class. They have not established organizations or publications comparable to those of other nationality groups.

(4) Crime

Although detailed accounts are lacking, it has been established that the over-all crime ratio of the Turks, including both felonies and misdemeanors, was 1.45 per 1,000 population in 1930.[62]

aa. United Kingdom

(1) Background of immigration

Despite the heterogeneous elements that streamed to America during its early colonization, Anglo-Saxon culture and traditions and, above all, the English language, early became so dominant as to give cohesion to the Colonies and eventual unity to the Nation. In 1790, the English comprised 82.1 percent of our population, while the Scotch accounted for 7.0 percent.[63]

From 1820 to 1880, a great volume of immigration came from England, Scotland, Wales, and Northern Ireland, amounting to approximately 2.5 million persons.[64] The great majority spoke Eng-

[58] U. S. Bureau of the Census, Census of 1940, Population (1940), vol. II, pt. 1, table 14, p. 42.
[59] Ibid, table 36, pp. 88, 89.
[60] Immigration and Naturalization Service, Annual Report, 1948, table 39.
[61] Maurice R. Davie, World Immigration (1936), pp. 173–174.
[62] Harry H. Laughlin, Immigration Control (1934), p. 31.
[63] H. G. Duncan, Immigration and Assimilation (1933), p. 479.
[64] K. D. Miller, We Who Are America (1943), p. 48.

lish and tended to scatter among the older residents of the country. Many of the English and Scots came to the United States by way of Canada.

Between 1820 and 1947, immigration to this country from England, Scotland, and Wales totaled 4,326,385 (including 739,027 "not specified"). England contributed 2,705,361; Scotland, 739,027; and Wales, 88,256. The present annual quota for the United Kingdom is 65,721.

Between 1908 and 1947, 231,838 English, Scotch, and Welsh emigrated from the United States.[65] It has been estimated that over one-third of the immigrants from the United Kingdom returned home.[66]

(2) Distribution of population

Of 1,043,072 (515,837 males and 527,235 females) foreign-born from the United Kingdom in the United States in 1940. 657,335 were from England and Wales, 279,321 from Scotland, and 106,416 from Northern Ireland. Of 837,037 in urban areas, 407,480 were males and 429,557 were females. Rural nonfarm areas had 79,549 males and 75,403 females and rural farm areas had 28,808 males and 22,275 females.[67]

This group is concentrated largely in the Northeast and Middle West. In 1940, 813,852 were located in the North, 52,914 in the South, and 176,306 in the West.[68] Approximately 120,000 English and Welsh were living in New York, and substantial numbers were in Massachusetts, Pennsylvania, Michigan, Illinois, California, Ohio, Rhode Island, and Connecticut. Of 279,321 foreign-born Scotch, some 50,000 were living in New York, with lesser numbers in Pennsylvania, Michigan, Massachusetts, Illinois, and California.[69]

(3) Naturalization and assimilation

The Welsh in this country tend to become rapidly naturalized. As of 1940, approximately 75 percent had been naturalized, the highest rate of any nationality group.[70]

The Scots have been somewhat slower in naturalization. As of 1940, about 67.4 percent of the Scotch foreign-born and approximately 68.8 percent of the English foreign-born had been naturalized.[71] During the fiscal year 1947, 4,964 persons from the United Kingdom were naturalized, of whom 2,810 were born i ı England, 1,666 in Scotland, 170 in Wales, and 318 in Northern Ireland. Approximately 52 percent (2,573) had come to this country 20 to 25 years previously.[72]

Immigrants from the United Kingdom assimilate readily in the United States, largely because of a common language and cultural background. The Welsh immigrant came to this country with a somewhat distinctive culture, which has been to a degree maintained through the use of the Welsh language in church services and singing societies. This factor of language, plus that of greater local and occupational unity, has caused the Welsh to retain a larger degree of distinctiveness than the English or Scotch.[73]

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[65] Brown and Roucek, One America (1945), p. 637; U. S. Immigration and Naturalization Service, Annual Report, 1947, table 13.
[66] H. G. Duncan, op. cit., p. 42.
[67] U. S. Bureau of the Census, Census of 1940, Population (1940), vol. II, pt. 1, table 14, p. 42.
[68] Ibid., table 36, p. 88.
[69] Brown and Roucek, op. cit., pp. 36–39.
[70] Ibid., p. 42.
[71] Ibid., p. 657.
[72] Immigration and Naturalization Service, *Annual Report*, 1947, table 46.
[73] Brown and Roucek, p. cit., op. 42.

Various English, Scotch, and Welsh organizations and societies have been created through the years, and have tended to preserve the customs and traditions of the old country, as well as to maintain the links between the Old World and the New.

(4) Employment

The English, Scotch, and Welsh have entered a wide variety of vocations and professions in this country, depending largely upon the type and degree of education of the individual, as well as his background and interests. "Academic overproduction abroad helped to stock America with ready-made professional men whose more theoretical knowledge supplemented the rough-and-ready skill of the native-born. The history of almost every community includes an account of some Irish or Scotch schoolmaster, who between terms mastered the intricacies of American law and eventually rose to wealth and prominence. The English and Scots were numerous in medicine and in institutions of higher learning. By the same token, nearly every religious denomination was well provided with Welsh clergymen." [74] The Welsh have also contributed a great deal toward the building up of the coal and iron industries in the United States.[75]

(5) Education—Religion

While immigrants from the United Kingdom have represented varying degrees of literacy and educational training, this group constituted one of the higher educational levels among immigrants, due to the general character and cultural heritage of the people, as well as to the system of free, compulsory education maintained in the United Kingdom.

The English, Welsh, and Scotch are largely Protestant. A great majority of the Scotch and Welsh are Presbyterian, while the English are affiliated with the Episcopal, Methodist, Baptist, and other Protestant sects. There is also a small minority of Roman Catholics.

(6) Crime

Of 2,717 foreign-born white felony prisoners received by State and Federal prisons and reformatories in 1940, a total of 96 were born in England, Scotland, or Wales,[76] a felony rate of 10.25 per 100,000 population present. Of 3,163 foreign-born white felony prisoners received by State and Federal prisons in 1933, 142 were born in England, Scotland, or Wales. The most numerous offenses were robbery, forgery, embezzlement and fraud, burglary, larceny (except auto theft), and sex offenses (except rape).[77]

bb. Russians

(1) Background of immigration

While virtually all of the European immigrant groups first set foot on American soil along the eastern coast, the Russians first landed on the northwestern coast of the American Continent in 1741. For many years thereafter, the Aleutian Islands and the shores of Alaska were explored by Russian adventurers. In 1867, the United States bought the Territory from the Tsar for $7,200,000.

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[74] M. L. Hansen, The Immigrant in American History (1940), p. 130.
[75] Brown and Roucek, op. cit., p. 42.
[76] U. S. Bureau of the Census, Prisoners in State and Federal Prisons and Reformatories, 1940, (1943), p. 36.
[77] U. S. Bureau of the Census, Prisoners in State and Federal Prisons and Reformatories, 1933, (1935), p. 29.

The beginning of sizable Russian immigration through the ports of the eastern part of the United States occurred in the decade 1871–80, when 38,284 Russians entered. Fewer than 4,000 Russians had immigrated into the United States between 1820 and 1870.[78]

Immigration to the United States from the Union of Soviet Socialist Republics is today relatively insignificant, due largely to the fact that the U. S. S. R. restricts the emigration of its residents.[79]

Since 1820, over 3,300,000 Russian immigrants have been legally admitted into the United States.[80] The annual Russian quota is 2,712. During the fiscal year 1948, 2,317 were admitted, divided into the following classes: [81]

Class:	*Number*
Quota immigrants	[1] 1,956
Husbands of citizens	5
Wives of citizens	274
Unwed children of citizens	6
Wives, children of natives, nonquota countries	19
Ministers, wives, children	34
Professors, wives, children	23
Total	2,317

[1] Includes DP's.

In addition, 49 Russian students were admitted under section 4 (e) of the Immigration Act of 1924.

During that same period, 93 Russians and 23 Ruthenians were excluded from the United States.[82] In addition, 15 Russian seamen deserted their ships while in American ports and made illegal entries.[83] Between March 31, 1946, and July 1, 1948, 2,978 displaced persons of Russian birth were admitted.

Since 1908, some 280,000 aliens have returned to Russia from the United States, the major portion of them during the decade 1911–20, when 174,359 departed.

(2) Distribution of population

Of a total of 2,610,244 Russians in the United States in 1940, 1,569,360 were native-born and 1,040,884 were foreign-born (548,216 males and 492,668 females). Foreign-born Russians in urban areas totaled 938,516 or 90.16 percent (488,618 males and 449,898 females); 53,086 or 5.1 percent lived in rural nonfarm areas (31,055 males and 22,031 females); and 49,383 or 4.74 percent in rural farm areas (28,543 males and 20,739 females).[84]

In 1940, 436,028 or 42 percent of all the foreign-born Russians in the country were in New York State. Pennsylvania had 95,803, Illinois 74,454, Massachusetts 64,454, New Jersey 51,758, and California 51,407. Geographically, their distribution was as follows: [85]

Area	Number	Percent
North	905,676	87.0
West	85,310	8.2
South	49,898	4.8

[78] Brown and Roucek, op. cit., p. 122.
[79] Common Council, on American unity, Interpreter Release, vol. XXIII, No. 49, December 23, 1946.
[80] Brown and Roucek, op. cit., p. 632.
[81] Immigration and Naturalization Service, Annual Report, 1948, table 6.
[82] Immigration and Naturalization Service, Annual Report, 1948, table 21.
[83] Ibid., table 22.
[84] U. S. Bureau of the Census, Census of 1940, Population (1940), vol. II, pt. 1, table 14, p. 42.
[85] Ibid., table 36, pp. 88–89.

(3) Naturalization and assimilation

The Russians, especially prior to World War II, have not shown a great inclination for organized social life. Many of their associations, as well as numerous Russian publications, have been short-lived.

Some 34 Russian publications were established between 1910 and 1918; in 1946, however, only 5 dailies and 12 others were being published.[86] One outstanding reason why Russians generally do not seek gregarious associations with each other is that Russia's "family" includes some 130 tongues, 64 racial or tribal divisions, and 169 smaller ethnic groups.

By 1940, 69.6 percent of the Russian immigrants had been naturalized.[87] In the 10-year period ending June 30, 1948, a total of 151,141 were naturalized. Naturalization of persons claiming Russia as the country of their nativity was in recent years as follows:[88]

1944	25,533	1947	3,562
1945	12,164	1948	3,143
1946	7,404		

(4) Employment

In 1940, only 30,000 Russian-Americans were on farms. The majority of them were occupied in industry in New York, Detroit, Chicago, San Francisco, and other industrial centers. Many were employed in the mines and steel mills in Pennsylvania, Ohio, and West Virginia.[89]

It has been estimated that 65 percent of the total "Russian stock" in this country are Russian Jews who live primarily as merchants and small-trades people in metropolitan centers in the East and Middle West and who regard themselves as Jews rather than Russians.

(5) Religion

The largest number of Russian-Americans are members of the Russian Orthodox Church. Many Russian immigrants belong to various Protestant denominations, the most numerous being the so-called Molokans, several thousand of whom settled in California. The members of another Russian sect, the Doukhobors, emigrated at the end of the nineteenth century to Canada, and during the following years many moved to California and to such cities as Chicago and Detroit.[90]

(6) Crime

The last Nation-wide census of prisons and jails showed a gross commitment rate of 5.1 per thousand population for foreign-born Russians and a felony rate of 0.22 per 1,000. The major crimes for which foreign-born Russians were committed were: [91]

Crime:	*Number committed*	Crime—Continued	*Number committed*
Homicide	10	Rape	7
Aggravated assault	5	Other sex offenses	6
Other assault	9	Forgery	27
Robbery	38	Stolen property	3
Burglary	24	Violating drug act	5
Larceny	32	Violating liquor laws	14
Fraud, embezzlement	29	Other offenses	42
Auto theft	5	Total	256

[86] Common Council for American Unity, Interpreter Release, Vol. XXIV, No. 26, June 12, 1947, p. 203.
[87] Brown and Roucek, op. cit., p. 657.
[88] Immigration and Naturalization Service, Annual Report, 1948, table 39.
[89] Brown and Roucek, op. cit., p. 123.
[90] Ibid.
[91] U. S. Bureau of the Census, Prisoners in State and Federal Penitentiaries and Reformatories, 1933 (1935) table 25, p. 29.

cc. Yugoslavs

(1) Background of immigration

The first recorded mass movement of Yugoslavs to America was in the early part of the eighteenth century, when a group of some 1,200 settled in Georgia. The settlement there was abandoned, however, shortly after the Civil War. Another early settlement was established in California.

According to Yugoslav authorities, there were in 1944 no fewer than 700,000 Yugoslavs in the United States who were either born in Yugoslavia or were of the second generation.[92] Since separate enumeration of Yugoslavs by the Immigration Service, only about 60,000 are shown as having been admitted. In the fiscal year 1948, 1,190 Yugoslav immigrants entered, as follows:[93]

Class:	*Number*
Quota immigrants	[1] 794
Husbands of citizens	13
Wives of citizens	228
Unwed children of citizens	112
Wives, children of natives, nonquota countries	1
Ministers, wives, children	32
Professors, wives, children	10
Total	1, 190

[1] Includes DP's.

In addition, 17 Yugoslav students were admitted under section 4 (e) of the Immigration Act of 1924. Between March 30, 1946, and July 1, 1948, 736 Yugoslav displaced persons were admitted. During the fiscal year 1948, 17 Yugoslav seamen deserted their vessels in American ports and effected illegal entry.

During the same fiscal year, 27 aliens were deported to Yugoslavia for these reasons:[94]

Cause:	*Number*
Previously excluded or deported	1
Mentally or physically defective	1
Criminal	7
Overstay	6
Entered without proper documents	9
False statements	1
Abandoned status of admission	1
Likely to become a public charge	1
Total	27

(2) Naturalization and assimilation

In 1940, there were 383,393 Yugoslavs in the United States; 222,300 were native-born and 161,093 were foreign-born (97,781 males and 63,312 females). Of the foreign-born Yugoslavs, 119,455 or 74.1 percent were located in urban areas (71,437 males and 48,018 females); 29,408 or 18.2 percent in rural nonfarm areas (18,918 males and 10,490 females); and 12,230 or 7.7 percent in rural farm areas (7,426 males and 4,804 females).[95]

Over 133,000 (82.6 percent) of the foreign-born Yugoslavs were located in the North, 23,985 (14.9 percent) in the West, and 4,071 (2.5 percent) in the South.

[92] Brown and Roucek, op. cit., p. 161.
[93] Immigration and Naturalization Service, Annual Report, 1948, table 6.
[94] Immigration and Naturalization Service, Annual Report, 1948, table 24.
[95] U. S. Bureau of the Census, Census of 1940, Population (1940), vol. II, pt. 1, table 14, p. 42.

States with largest numbers of foreign-born Yugoslavs were Ohio, with 31,264; Pennsylvania, with 26,495; and Michigan, with 12,517. Several thousand were in California, Minnesota, and Wisconsin. Distribution figures for the foreign-born Yugoslavs (1940) were: [96]

Area:	*Number*
North	133,037
West	23,985
South	4,071

Today, about 250,000 Yugoslavs are members of 15 national fraternal and insurance organizations, about 80,000 of them in junior branches composed chiefly of American-born Yugoslavs. Several hundred independent benefit organizations exist locally, in addition to approximately 2,700 branches of national organizations.

A number of Yugoslav newspapers are now being published in the United States, the largest of which are organs of organizations, such as the Srbobran, organ of the Serb National Federation, and Zajednicar, left-wing organ of the Croatian Fraternal Union. In 1946, approximately 30 Serbian, Croatian, and Slovenian periodicals were published in the United States. Communist periodicals are particularly prevalent in the Yugoslav field, including such Communist Party publications as Narodni Glasnik (Croatian), Slobodna Rec (Serb), and others.[97]

In 1920, only 25.2 percent of the Yugoslavs had been naturalized, but by 1940 the percentage had increased to 61.3.[98] They ranked eighteenth in this respect among nationality groups. Naturalization of those claiming Yugoslavia as the place of their nativity was for recent years as follows: [99]

1944	7,409	1947	1,258
1945	3,849	1948	858
1946	2,524		

(3) Education—religion

Because of religious differences (the Croats and Slovenes being Roman Catholics, the Serbs Eastern Orthodox) and because of differences in the spoken language, each of the Yugoslav groups leads its own independent social and cultural existence.[1] The first Yugoslav church was founded in Brockway, Minn., in 1871, by Slovene farmers. At present there are about 70 Roman Catholic and 35 Serbian Orthodox churches and parishes maintained by Yugoslavs in America. The Slovene group has invested an estimated $3,500,000 in approximately 45 churches and the attached homes for sisters, priests, and schools.[2]

A Croatian school is affiliated with the church on West Fiftieth Street, New York, and others are supported by New York Yugoslav societies, which number more than 100, and sponsor cultural, political, and mutual aid programs. Altogether, there are some 38 full-time parochial schools in the United States, half of them belonging to the Croatians and half to the Slovenes. Instruction is entirely in English, but the national language is an obligatory subject.

(4) Crime

The 1933 Nation-wide census of prisons and jails showed an over-all commitment rate of 0.32 per 1,000 population for foreign-born

[96] Ibid., table 36, pp. 88–89.
[97] U. S. Senate Committee on the Judiciary, Communist Activities Among Aliens and National Groups, hearings, p. 603 et seq.
[98] Brown and Roucek, op. cit., 657.
[99] Immigration and Naturalization Service, Annual Report, 1948, table 39.
[1] Brown and Roucek, op. cit., p. 161 ff.
[2] Id.

Yugoslavs and a felony rate of 0.03. The crimes for which they were committed were: [3]

Crime:	Number Committed	Crime—Continued	Number Committed
Homicide	9	Forgery	14
Aggravated assault	3	Auto theft	2
Other assault	5	Stolen property	3
Robbery	4	Violating drug laws	4
Burglary	4	Violating liquor laws	7
Larceny	4	Other offenses	6
Fraud, embezzlement	4		
Rape	1	Total	70

3. ASIA

a. Chinese

(1) Background of immigration

Statistics of the Immigration and Naturalization Service show one Chinese in the United States in 1820. Up to 1852, fewer than 100 entered the country. Approximately 20,000 Chinese arrived in 1852 and 13,000 in 1854. At one time, on the construction of the Central Pacific Railroad, building eastward through the mountains, 9 out of every 10 workers were Chinese. From 1882 until 1943, the Chinese were not permitted to enter as regular immigrants, nor were they permitted to be naturalized at any time prior to 1943. In 1943, the Chinese exclusion law was repealed, and a quota of 105 was assigned to Chinese. In addition, the Chinese were made racially eligible for citizenship.[4]

Since 1820, immigration from China to the United States has totaled over 394,000.[5] During the fiscal year 1948, 3,987 Chinese and persons giving China as their country of origin were admitted, divided into the following classes:[6]

Class:	Number
Quota immigrants	[1] 452
Husbands of citizens	2
Wives of citizens	3,192
Unwed children of citizens	232
Wives, children of natives, nonquota countries	3
Ministers, wives, children	29
Professors, wives, children	74
Other classes	3
Total	3,987

[1] Includes DP's.

During fiscal year 1948, 1,618 Chinese students were admitted under section 4 (c) of the Immigration Act of 1924. During the same period, 221 Chinese seamen deserted their vessels while in American ports, and entered illegally.[7] As of June 30, 1948, 287 DP's from China had entered this country under the President's directive of December 22, 1945.[8]

During fiscal year 1948, a total of 128 aliens were deported to China, as follows: [9]

[3] U. S. Bureau of the Census, Prisoners in State and Federal Penitentiaries and Reformatories, 1933 (1935), table 25, p. 29.
[4] Brown and Roucek, One America (1945), pp. 316 ff.
[5] Immigration and Naturalization Service, Annual Report, 1948, table 4.
[6] Ibid., table 6.
[7] Ibid., table 22.
[8] Ibid., table 6B.
[9] Ibid., table 24.

Cause:	Number
Immorality	2
Violating narcotic laws	20
Mental, physical defects	1
Previously deported	3
Overstay	56
No proper documents	24
Abandoned status	16
False statements, etc	6
Total	128

During the same period, 19 Chinese aliens seeking entry for 30 days or longer were excluded at various American ports.[10]

Since 1908, 101,504 aliens have returned to China from the United States, 41,416 of whom returned during the decade 1921 to 1930.[11] Of the 2,287 who returned during the fiscal year 1948, over 2,000 were males.

(2) Distribution of population

There were 77,504 Chinese in the United States in 1940, of whom 40,262 were native-born and 37,242 were foreign-born. Males outnumbered females by almost 3 to 1, there being 57,389 males and 20,115 females. Urban areas contained 70,226, and rural areas contained 7,278.[12] California, with 39,556, or 51 percent of the national total in 1940, led all other States; New York ranked second with 13,731. The geographical distribution of Chinese in 1940 was as follows: [13]

Area:	Number
North	25,738
South	4,926
West	46,840

(3) Naturalization and assimilation

Some of the Chinese tongs act as private courts to settle disputes and also serve as insurance or mutual benefit associations. The On Leong Tong in Chicago was once housed in a palatial building, with a court, committee rooms, a shrine, and a school for 150 children.[14]

In the 10 years ending June 30, 1948, 4,312 aliens owing former allegiance to China were naturalized, including 763 during fiscal year 1948.[15] Since passage of legislation permitting Chinese to acquire citizenship, they have done so at the rate of about 700 a year.

(4) Employment

After the Chinese found themselves crowded out of the mines in California, they sought jobs ordinarily suited to women so as not to compete with the white man. Laundry work attracted a great number. In 1870, out of 2,069 laundrymen in San Francisco, 1,333 were Chinese. They have also entered cooking and household service which vocations have led many of them into the restaurant business.[16]

[10] Ibid., table 21.
[11] Brown and Roucek, One America, 1945, p. 637; Immigration and Naturalization Service, Annual Report, 1948, table 13.
[12] U. S. Bureau of the Census, Census of 1940, Population (1949), vol. II, pt. 1, table 6, p. 21.
[13] Ibid., table 22, p. 52.
[14] Albert W. Palmer, Orientals in American Life (1934), pp. 29 ff.
[15] Immigration and Naturalization Service, Annual Report, 1948, table 39.
[16] Albert W. Palmer, Orientals in American Life (1934), pp. 13 ff.

(5) Crime

Crime among the Chinese has been confined rather largely to petty offenses. A 1934 survey showed a crime rate of 3.5 per 1,000 population for all Chinese; 4.0 for foreign-born; and 3.16 for native-born.[17]

b. Filipinos

(1) Background of immigration

It was not until after the close of World War I that Filipinos began to migrate to the United States in appreciable numbers.[18] With the invasion and capture of the islands in 1941 and 1942 by the Japanese, immigration of Filipinos to the United States ceased. Following the liberation of the islands, immigration was resumed. During the fiscal year 1947, 622 Filipinos were admitted, including 20 professional people. During the fiscal year 1948 the total admitted was 1,055, including 33 professional workers, 3 farmers or farm managers, and 10 clerical and kindred workers.[19] In addition, 29 Filipino seamen deserted their vessels while in American ports and entered illegally.[20] During the same period, 30 aliens were deported to the Philippines, for these reasons:[21]

Cause:	*Number*
Criminal	10
Immorality	2
Overstay	7
Improper documents	4
Abandoned status	3
False statements	2
Apt to become public charge	1
Miscellaneous	1
Total	30

Besides those deported in 1948, three Filipinos were excluded at various ports of entry.[22] While, during World War II, very few aliens returned to the Philippines (none in 1944 and eight in 1945), many have done so since the cessation of hostilities. In the fiscal year 1946 there were 264 returnees, in 1947, 1,685, and in 1948, 615.[23]

(2) Distribution of population

Although the Bureau of the Census enumerated 45,563 Filipinos in 1940, no statistics were made available to indicate the number of native-born and foreign-born.[24] The vast majority were males.[25]

Perhaps two-thirds of the young Filipinos who have come to the United States have sought work in rural areas. At the time of the 1940 census, it was shown that there were some of them in every State of the Union. California had the greatest number, with 31,408, or 68.8 percent, while New York State ranked second, with 2,978. The Nation-wide geographic distribution of the Filipinos was as follows: [26]

[17] Harry H. Laughlin, Immigration Control (1934), p. 31.
[18] Brown and Roucek, op. cit., 1945, p. 354.
[19] Immigration and Naturalization Service, Annual Report, 1948, table 8.
[20] Ibid., table 22.
[21] Ibid., table 24.
[22] Immigration and Naturalization Service, Annual Report, 1948, table 21.
[23] Ibid., table 13.
[24] U. S. Bureau of the Census, Census of 1940, Population (1940), vol. II, pt. 1, table 22, p. 52.
[25] Albert W. Palmer, Orientals in American Life (1934), p. 198.
[26] U. S. Bureau of the Census, Census of 1940, Population (1940), vol. II, pt. 1, table 22, p. 52.

Area	Number	Percent
North	8,126	17.8
South	2,351	5.2
West	35,086	77.0

(3) Naturalization and assimilation

Most of the Filipinos have come to this country with the idea of some day returning to the islands.[27] Their lack of home life here and the absence of Filipino women account largely for the scarcity of permanent settlements. In cities they live in boarding houses and rooming establishments. In the larger centers—Los Angeles, for example, where as many as 6,000 have resided—they develop a "little Manila," which is largely a center with a few Filipino stores and clubrooms as a nucleus.[28] The ratio between sexes is an important factor in the life of the Filipino-American. Population figures show that the males outnumber the females by about 14 to 1. This unbalanced condition creates numerous social problems.

The Filipino press in the United States consists of a comparatively large number of publications in relation to the small population served. The combined newspaper-magazine has been the most common type of Filipino publication. It contains news items, editorials, signed articles, writings of columnists, photographs, and advertising.

During World War II, large numbers of Filipinos joined our armed forces. Many of this group have since come to the United States after being given the opportunity to become citizens by virtue of such military service. In the 10 years ending June 30, 1948, 28,086 Filipinos became naturalized citizens, including 5,768 during the fiscal year 1948. Filipino naturalization figures for the fiscal years 1944–48 are as follows:[29]

1944	2,646	1947	10,764
1945	1,563	1948	5,768
1946	2,644		

(4) Employment

A large number of the Filipinos in this country are employed as cooks, houseboys, bellhops, and elevator operators. Many have gone into agriculture, especially in California and Washington.

(5) Education—Religion

The Filipinos are principally Roman Catholic. Due to the migratory life that many of them live, it is often difficult for them to maintain close contact with the church. Several religious groups, Protestant as well as Catholic, offer the Filipinos activity programs and clubrooms. They have a number of social clubs and related organizations.

Many Filipinos attend evening classes for educational instruction. At times they may drop out of school in order to earn sufficient money to pay their bills and to finance the continuation of their studies.[30]

[27] Brown and Roucek, One America (1945), p. 355.
[28] Brown and Roucek, One America (1945), p. 356.
[29] Immigration and Naturalization Service, Annual Report, 1948, table 39.
[30] Brown and Roucek, One America (1945), pp. 358 ff.

(6) Crime

The crime ratio of the Filipinos in this country is relatively low. Although no details of crimes committed are available, a survey of all Federal and State penitentiaries and reformatories conducted some years ago showed the Filipino over-all crime ratio per 1,000 population to be 3.55.[31]

c. Japanese

(1) Background of immigration

From 1636 to 1866, the Japanese Government made emigration of its subjects a capital offense. In 1870 there were only 55 Japanese in the United States and 2,039 in 1890. After that, the number of Japanese immigrants increased rapidly: 12,628 entered in 1900, 20,941 in 1903, and 30,824 in 1907. Many Japanese also went to the Hawaiian Islands. For the 12-year period ending in 1910, over 77,000 went to Hawaii, 32,273 to California, 25,912 to Washington, and 4,485 to Oregon.[32]

Total Japanese immigration between 1861 and 1948 was 278,517. The peak decade was from 1901 to 1910, when 129,797 were admitted.[33] For the fiscal year 1948, 423 immigrants from Japan were admitted. During the same period, four Japanese were excluded at various ports of entry, while six aliens were deported to Japan, three for overstaying and three for entering without proper documents.[34]

(2) Distribution of population

In 1940, there were 126,947 Japanese in the United States, of whom 79,642 were native-born and 47,305 were foreign-born. Of the native-born, 42,316 were males and 37,326 females; of the foreign-born, 29,651 were males and 17,654 were females. Rural areas had 57,274 Japanese, or 45.1 percent of the total, of whom 37,237 were native-born (20,396 males and 16,841 females), and 20,037 were foreign-born (12,650 males and 7,387 females). Urban areas had 69,673, or 54.9 percent of the total, of whom 38,921 were males and 30,752 were females.[35]

The Japanese have settled chiefly on the west coast, California being the leading center of population, with 93,917 in 1940. Their general geographical distribution in 1940 was: [36]

Area	Number	Percent
North	4,971	3.9
South	1,049	.8
West	120,927	95.3

(3) Naturalization

Japanese aliens are racially ineligible for citizenship and are, therefore, ineligible for admission as regular immigrants. Of some 90,000 persons in the United States and Hawaii racially ineligible for citizenship, nearly all are of Japanese or Korean ancestry. In 1940, besides

[31] Harry H. Laughlin, Immigration Control (1934), p. 31.
[32] H. G. Duncan, Immigration and Assimilation (1933), pp. 409 ff.
[33] Maurice R. Davie, World Immigration (1936), p. 320.
[34] Immigration and Naturalization Service, Annual Report (1948), tables 13, 21, and 24.
[35] U. S. Bureau of the Census, Census of 1940, Population (1940), vol. II, pt. 1, table 6, p. 21.
[36] Ibid., table 22, p. 52.

the 47,305 Japanese aliens residing in the United States there were 749 Korean aliens. The median age of the Japanese aliens was 49.7 years.[37]

(4) *Employment*

The Japanese who first came to the United States had been farmers in their own country and, while some of them found employment here as domestic servants or in railroad construction, the majority turned to agriculture, first as migratory groups of seasonal workers and later, when family life developed, as renters or owners of farm land. They appeared to fit best into the agricultural life of the Pacific coast, in vegetable gardening and floriculture. Many followed the sugar-beet industry in Utah, Idaho, Colorado, and Nebraska.[38] In the cities the Japanese became small merchants, domestic servants, laundrymen, and restaurant operators.

(5) *Education—Religion*

Statistics for 1940 showed that persons of Japanese descent have, on the average, completed more school years than the general population of the United States. The median of school years completed by persons 25 years of age and over was 12.2 for American-born Japanese, 8.3 for foreign-born Japanese, and 8.4 for the total population.[39]

The bulk of the Japanese-Americans are Buddhists. In 1942, over 48 percent of American citizens of Japanese descent were Buddhists and over 32 percent belonged to various Protestant denominations. Of Japanese aliens, more than 68 percent were Buddhists and 22 percent were distributed among various Protestant groups, principally Methodist, Baptist, Presbyterian, and Congregational.[40]

(6) *Crime*

A comparison of the commitment rates for major crimes by persons of Japanese descent with other sections of the population, for the period 1935 to 1939, is as follows:[41]

Class:	*Crime rate per 100,000*
Japanese descent	88. 0
Native white	203. 3
Foreign-born white	85. 5
Negro	670. 1

d. Syrians

(1) *Background of immigration*

Syrian immigration to the United States began during the latter part of the nineteenth century. New York and Detroit have the largest colonies of Syrians, estimated at 40,000 and 15,000, respectively. Other, but much smaller colonies are in Boston, Cleveland, Toledo, Akron, Los Angeles, and Houston.[42]

The quota for Syria and Lebanon is 123 annually. During the fiscal year 1948, 314 Syrians were legally admitted into the United

[37] U. S. House of Representatives, Subcommittee on Immigration and Naturalization, hearings, 80th Cong., 2d sess., serial 18, April 19, and 21, 1948, pp. 92, 97-98.
[38] Albert W. Palmer, Orientals in American Life (1934), p. 43.
[39] U. S. House of Representatives, Subcommittee on Immigration and Naturalization, hearings, 80th Cong., 2d sess., Serial 18, April 19 and 21, 1948, pp. 102-103.
[40] Ibid., pp. 103-104.
[41] U. S. House of Representatives, Subcommittee on Immigration and Naturalization, hearings, 80th Cong., 2d sess., Serial 18, April 19 and 21, 1948, p. 105.
[42] Brown and Roucek, One America (1945), p. 293.

States, including 23 professionals and semiprofessionals, 35 proprietors, managers, and officials, and 128 clerks and office workers.[43] In addition, 99 Syrian students were admitted under section 4 (e) of the Immigration Act of 1924. During the same year, 18 Syrians were excluded at various ports of entry.[44]

(2) Distribution of population

Accurate statistical material on the number of Syrians in the United States is not available. Estimates of authorities on the Syrians range from 200,000 to 500,000. According to the Census of 1940, there were only 57,906 foreign-born Syrians, Lebanese, and Palestinians combined in the United States.[45]

Of the 57,906, 52,569, or 90.8 percent, lived in urban areas, 4,218, or 7.3 percent, in rural nonfarm areas, and 1,119, or 1.9 percent, in rural farm areas.[46]

In 1940, there were foreign-born Syrians, Lebanese, and Palestinians in every State of the Union, New York, Massachusetts, Pennsylvania, and Michigan containing the largest numbers. Geographically, they were distributed as follows:[47]

Area	Number	Percent
North	44,064	76.1
South	9,650	16.6
West	4,192	7.3

(3) Naturalization and assimilation

Proportionately, there are more societies and clubs among the Syrians in the United States than among most of the other minority groups. None of them, however, are very powerful. The eastern, midwestern, and southern federations of Syrian and Lebanese societies are a belated attempt to "get the Syrians together." The major portion of the membership consists of second-generation Syrians.

Syria was for a number of years a protectorate of France and for the fiscal years 1945, 1946, and 1947, data pertaining to Syrian naturalization were included with the French. During the 10-year period ending June 30, 1948 (exclusive of the 3 years mentioned), 7,421 Syrians were naturalized, 400 during the fiscal year 1948.[48]

(4) Employment

The first Syrian immigrants were largely peddlers. After some years, many opened stores of their own. In New York, the embroidered linen, lace, negligee, and lingerie industry flourishes among the Syrians. After World War I, many Syrians entered the grocery, wholesale and retail fruit, restaurant, and drygoods businesses.[49] Gradually, they have become associated in a wide variety of industrial enterprises.

[43] Immigration and Naturalization Service, Annual Report, 1948, table 8.
[44] Ibid., table 21.
[45] U. S. Bureau of the Census, Census of 1940, Population (1940), vol. II, pt. 1, table 36, pp. 88–89.
[46] Ibid., table 14, p. 42.
[47] Ibid., table 36, pp. 88–89.
[48] Immigration and Naturalization Service, Annual Report, 1948, table 39.
[49] Brown and Roucek op. cit., p. 292.

4. THE AMERICAS

a. *Canadians*

(1) *Background of immigration*

The migration of French-Canadians to the United States dates back as far as 1623. The earliest groups settled on Manhattan Island, as well as in Rhode Island, Massachusetts, Virginia, and Maryland. The greatest influx took place between 1860 and 1890.

As late as 1775, the population of Canada was largely French, but the nineteenth century saw extensive immigration from the British Isles. There are no accurate records of just when the first British-Canadians entered United States territory. It is perhaps because the English-speaking Canadians have a marked tendency to merge with the people of the United States that any early "group" settlement passed unnoticed.

During the fiscal year 1948, 24,788 immigrants from Canada were admitted; 9,821 were admitted in 1944, 11,079 in 1945, 20,434 in 1946, and 23,467 in 1947. Canadian students admitted during 1948 totaled 1,702. Emigrant aliens returning to Canada in 1948 totaled 1,055.[50]

For the same fiscal year, 903 aliens were deported to Canada and Newfoundland, for these reasons:[51]

Cause:	*Number*	Cause—Continued	*Number*
Criminal	242	Abandoned status	130
Immorality	23	False statements, etc	141
Narcotics violations	1	Apt to become public charge	2
Mental, physical defects	22	Subversive, anarchistic	2
Previously deported	59	Miscellaneous	1
Overstay	161		
Improper documents	119	Total	903

(2) *Distribution of population*

In 1940, the French-Canadians in this country numbered 908,386 (635,020 native-born, and 273,366 foreign-born). Of the foreign-born, 133,576 were males and 139,790 were females. The majority were in urban areas (214,962, or 78.6 percent, of whom 102,436 were males and 112,526 were females); 41,026 lived in rural nonfarm areas (21,223 males and 19,803 females); and 17,378 in rural farm areas (9,917 males and 7,461 females).[52]

Although there were French-Canadians in every State of the Union in 1940, the bulk of them had settled in New England. Massachusetts led, with 81,411 foreign-born, followed by Maine, with 30,794, New Hampshire, with 29,442, and New York, with 20,536. The Nation-wide geographical distribution was as follows:[53]

Area	Number	Percent
North	256,121	93.7
South	2,961	1.1
West	14,284	5.2

[50] Immigration and Naturalization Service, Annual Report, 1948, table 13.
[51] Ibid., table 24.
[52] U. S. Bureau of the Census, Census of 1940, Population (1940), vol. II, pt. 1, table 14, p. 42.
[53] Ibid., table 36, pp. 88–89.

British-Canadians in the United States in 1940 totaled 2,001,773. Of these, 1,231,020 were native-born, and 770,753 foreign-born (351,730 males and 419,023 females). Of the foreign-born, 581,104 were located in urban areas (256,764 males and 324,340 females); 126,439 in rural nonfarm areas (61,269 males and 65,170 females); and 63,210 in rural farm areas (33,697 males and 29,513 females).[54] In 1940, Massachusetts had 142,462 British-Canadians; New York, 103,201; Michigan, 137,735; Oregon, 88,165; and Washington, 39,329. The Nation-wide geographical distribution was as follows:[55]

Area	Number	Percent
North	581,652	75.4
South	26,660	3.6
West	162,441	21.0

(3) Naturalization and assimilation

The life of the French-Canadians centers largely around the parish and home. Schools have had a unifying effect, and language and culture have been carried forward by French parochial schools, colleges, and other educational institutions. There are also societies and organizations which bind the French-Canadians together, both here and in their country of origin. French-Canadian newspapers and books are read by Franco-Americans. Lecturers from French Canada are invited to the United States. Many send their children to the colleges and convents of Quebec. There are indications, however, that French-Canadians will find it harder with the passing of time to maintain their cultural unity in this country.[56]

For the most part, the British-Canadians mingle directly with the communities into which they have moved, especially where there are large groups of Anglo-Saxon origin, and thus attract little attention. Since their institutional and cultural background is similar to that which predominates in this country, there is little distinction between them and the people among whom they settle.[57] During the fiscal year 1948, 3,860 aliens owing former allegiance to Canada were naturalized.[58]

(4) Employment

Over 35 percent of our immigrant French-Canadians are classed as semiskilled workers today. Some continue to farm, some enter the professions, while others are wholesale and retail dealers, but for the most part the latter belong to second and third generations.[59] The English-speaking Canadians seek employment largely as skilled workmen, foremen, and clerks. A large group have become farmers.

(5) Education

Canadian education is largely in the hands of the Provinces and each Province has its permanent department of education, controlled in details of administration by permanent officials.[60] Elementary education is compulsory, and the illiteracy rate is very low.

[54] Id., table 14, p. 42.
[55] Ibid., table 36, pp. 88-89.
[56] Brown and Roucek, One America (1945), pp. 344-345.
[57] Ibid., p. 343.
[58] Immigration and Naturalization Service, Annual Report, 1948, table 39.
[59] Leon E. Truesdell, The Canadian-Born in the United States (1943), p. 203.
[60] H. G. Duncan, Immigration and Assimilation (1933), p. 116.

(6) Crime

In 1933, the commitment rate of Canadian-born persons for all offenses was 3.04 per 1,000 population and 0.4 for felonies, as follows: [61]

Crime:	Number committed
Homicide	13
Aggravated assault	4
Other assault	9
Robbery	68
Burglary	77
Larceny	45
Fraud, embezzlement	81
Auto theft	16
Rape	15
Other sex offenses	41
Forgery	19
Stolen property	2
Violation drug laws	8
Violation liquor laws	15
Other offenses	56
Total	469

b. Mexicans

(1) Background of immigration

In 1820 there were 4,818 Mexicans in the United States. Since that date, over 800,000 immigrants have legally entered.[62] Moreover, it has been reliably estimated that Mexican aliens are coming into the United States illegally at a rate of 20,000 per month.

Between 1901 and 1947, Mexico contributed 788,000 recorded immigrants—23.2 percent of the total registered entries from the Western Hemisphere, and 75 percent of all the immigrants from Latin America.[63] During the fiscal year 1948, 8,384 immigrants were admitted from Mexico.[64] In addition, 319 Mexican students were admitted under section 4 (e) of the Immigration Act of 1924. During the same fiscal year, a total of 17,235 Mexicans were deported for the following reasons: [65]

Cause:	Number
Criminal	416
Immorality	44
Violation narcotic laws	27
Mental, physical defects	41
Previously deported	3,314
Overstay	2,852
Improper documents	612
Abandoned status	502
False statements, etc	9,395
Apt to become public charge	1
Miscellaneous	31
Total	17,235

(2) Distribution of population

Total Mexican stock in the United States in 1940 numbered 1,076,653, of whom 699,220 were native-born and 377,433 were foreign-born (197,965 males and 179,468 females). Of the foreign-born, 237,985 or 63 percent were in urban areas (117,977 males and 120,008 females); approximately 21 percent (79,834) in rural nonfarm areas (44,723 males and 35,111 females); and approximately 16 percent (59,614) in rural farm areas (35,265 males and 24,349 females).[66]

[61] U. S. Bureau of the Census, Prisoners in State and Federal Penitentiaries and Reformatories, 1933 (1935), table 25, p. 29.
[62] Immigration and Naturalization Service, Annual Report, 1948, table 4.
[63] Kingsley Davis and Clarence Senior, "Immigration from the Western Hemisphere," The Annals, American Academy of Political and Social Science, March 1949, p. 76.
[64] Immigration and Naturalization Service, Annual Report, 1948, table 13.
[65] Ibid., table 24.
[66] U. S. Bureau of the Census, Census of 1940, Population (1940), vol. II, pt. 1, table 14, p. 42.

While there were foreign-born Mexicans in every State of the Union, Texas had the greatest number, 159,266, and California ranked second with 134,312. The geographical distribution of the foreign-born Mexicans in 1940 was as follows: [67]

Area	Number	Percent
North	34,947	9.3
South	163,207	43.2
West	179,279	47.5

(3) *Naturalization and assimilation*

During the 10-year period ending June 30, 1948, 43,360 Mexican aliens were naturalized, including 1,895 in 1948. Numbers naturalized during recent fiscal years were:[68]

	Number		Number
1944	7,474	1947	3,336
1945	6,352	1948	1,895
1946	5,135		

As a group, Mexicans have been slow to assimilate. They differ from the Anglo-Americans in language and religion. In 1940, only 7 percent of the native white persons giving their parental origin as Mexico recorded their mother tongue as English. This was by far the lowest percentage recorded by any immigrant stock.[69]

(4) *Employment*

The typical Mexican immigrant is a seasonal laborer. Much of the Mexican labor in California migrates up and down the State the year round, following crops, such as grapes, oranges, cotton, lettuce, melons, grapefruit, tomatoes, and asparagus. Others extend their migrations in search of employment over a much wider area, working the harvests, doing railroad maintenance, or other jobs.[70]

(5) *Crime*

The 1933 census of prisons and jails showed a commitment rate of 20 per 1,000 population for foreign-born Mexicans, and a felony rate of 1.56 per 1,000 population. The major crimes for which Mexicans were incarcerated were: [71]

Crime:	Number	Crime—Continued	Number
Homicide	4	Forgery	1
Aggravated assault	3	Fraud, embezzlement	4
Robbery	2	Violation, narcotics laws	1
Burglary	2	Violation, liquor laws	2
Larceny	9	Other offenses	3
Auto theft	1		
Rape	2	Total	34

c. *Other Latin Americans*

(1) *Background of immigration*

It is difficult to determine exactly when the first South or Latin Americans arrived in the United States to settle permanently. Fur-

[67] U. S. Bureau of the Census, Census of 1940, Population (1940), vol. II, pt 1, table 36, pp. 88-89.
[68] Immigration and Naturalization Service, Annual Report, 1948, table 39.
[69] Kingsley Davis and Clarence Senior, "Immigration From the Western Hemisphere," The Annals, American Academy of Political and Social Science, March 1949, p. 76.
[70] B. Schrieke, Alien Americans (1936), pp. 46 ff.
[71] U. S. Bureau of the Census, Prisoners in State and Federal Penitentiaries and Reformatories, 1933 (1935), table 25, p. 29.

ther confusion arises from the fact that little distinction has been made between Latin Americans and Spaniards who came to this country, inasmuch as both spoke Spanish.

The most important source of Latin American immigration, next to Mexico, has been the West Indies, which have contributed almost 10 percent of Western Hemisphere immigration. Between 1901 and 1947, there were 351,000 entries from the West Indies, and in 1940, an estimated 104,000 foreign-born in the United States were from this area.[72]

It has been estimated that, from 1820 to 1948, over 685,000 immigrants from Latin America, exclusive of Mexico, have been admitted into the United States.[73] A large proportion have returned home—over 180,000 since 1908.

During the fiscal year 1948, 12,649 Latin American immigrants entered the United States and 3,275 returned to their countries of origin,[74] a net gain to the United States of 9,374. During 1948, 2,960 Latin American students were admitted under section 4 (e) of the Immigration Act of 1924.[75]

In addition, a total of 103 Latin American seamen, chiefly from Cuba, Panama, Argentina, Brazil, and Peru, deserted their ships and entered the United States illegally [76] while 77 Latin Americans were excluded at various ports of entry [77] and 567 were deported (333 to the West Indies, 108 to Central America, and 126 to South America) for the following reasons: [78]

Cause:	*Number*
Criminals	39
Immorality	2
Violation, narcotics law	5
Mental, physical defects	10
Previously deported	37
Overstay	221
Improper documents	95
Abandoned status	85
False statements	67
Apt to become public charge	3
Miscellaneous	3
Total	567

(2) Distribution of population

There were 66,942 foreign-born Latin Americans (including Cubans, West Indians, and natives of Central and South America) in the United States in 1940 (35,847 males and 31,095 females). Of this total, 59,567, or 88.9 percent, lived in urban areas (31,750 males and 27,817 females); 5,642, or 8.4 percent, in rural nonfarm areas (3,106 males and 2,536 females); and 1,733, or 2.7 percent, in rural farm areas (991 males and 742 females).[79]

In 1940, 44,914 foreign-born Latin Americans (67.04 percent of the total) were in the North. New York, with 29,308, or 43.7 percent of the national total, led all other States. Latin Americans were situated

[72] Kingsley Davis and Clarence Senior, "Immigration From the Western Hemisphere," The Annals, American Academy of Political and Social Science, March 1949, pp. 79–81.
[73] Immigration and Naturalization Service, Annual Report, 1948, table 4.
[74] Ibid., table 13.
[75] Ibid., table 16.
[76] Ibid., table 22.
[77] Ibid., table 21.
[78] Ibid., table 24.
[79] U. S. Bureau of the Census, Census of 1940, Population (1940), vol. II, pt. 1, table 14, p. 42.

in every State of the Union, and their national geographic distribution was as follows: [80]

Area	Number	Percent
North	44,914	67.04
South	12,276	18.30
West	9,752	14.66

(3) Naturalization and assimilation

Latin Americans in this country find great solidarity in their families and religion, a cohesion that constitutes a stumbling block in the process of assimilation. There are many difficulties in educating the members of this minority group to full participation in the affairs of the Nation. Their children, taught to speak Spanish from the cradle, do not progress rapidly in school where the medium of instruction is English. They find themselves as much as 3 years behind English-speaking pupils in comprehension and achievement.[81]

Most of the West Indian immigrants, except those from Cuba and Puerto Rico, are nonwhite. In fact, the West Indies are today virtually our only source of Negro immigration. West Indians are mainly Protestant and English-speaking, and to this extent are perhaps more easily assimilated than the Catholic, Spanish-speaking immigrants from Latin America.[82]

During the 10-year period ending June 30, 1948, 19,333 aliens from Latin-American countries (exclusive of Mexico) were naturalized, including 1,288 in 1948.[83]

(4) Crime

The 1933 commitment ratio of foreign-born Latin Americans for all offenses was 8.0 per 1,000 population, and for felonies 1.7 per 1,000, as follows: [84]

Crime:	*Number*	Crime—Continued	*Number*
Homicide	3	Other sex offenses	4
Aggravated assault	1	Violation, drug laws	2
Robbery	10	Violation, liquor laws	1
Burglary	7	Other offenses	3
Larceny	6		
Forgery	8	Total	47
Rape	2		

5. AUSTRALIANS AND NEW ZEALANDERS

a. Background of immigration

The first recorded immigration from Australia and New Zealand occurred between 1861 and 1870, when 36 persons entered.[85] From 1871 to 1930, immigration from Australia and New Zealand totaled 52,265, of whom 12,348 were admitted between 1911 and 1920.[86] By 1948, 67,216 immigrants from Australia and New Zealand had been

[80] Ibid., table 36, pp. 88-89.
[81] Brown and Roucek, op. cit., pp. 350 ff.
[82] Kingsley Davis and Clarence Senior, Immigration from the Western Hemisphere, The Annals, American Academy of Political and Social Science, March 1949, pp. 79-80.
[83] Immigration and Naturalization Service, Annual Report, 1948, table 39.
[84] U. S. Bureau of the Census, Prisoners in State and Federal Penitentiaries and Reformatories, 1933 (1935), table 25, p. 29.
[85] Brown and Roucek, Op. Cit., p. 632.
[86] H. G. Duncan, Immigration and Assimilation, (1933), p. 125.

admitted,[87] including 1,218 during fiscal year 1948. Those who entered in 1948 were divided as follows: [88]

Class:	*Number*
Quota immigrants	342
Husbands of citizens	2
Wives of citizens	830
Unwed children of citizens	18
Natives of nonquota countries	4
Wives, children of citizens of nonquota countries	3
Professors, wives, children	18
Women who had been citizens	1
Total	1,218

In addition, 67 students from Australia and New Zealand were admitted. During the fiscal year 1948, 16 Australians were excluded at various ports of entry in the United States, while 20 persons were deported to Australia and 2 to New Zealand.[89] Since 1908, 13,964 immigrant aliens have returned to Australia and New Zealand.

b. Distribution of population

Of the 26,868 Australians and New Zealanders in the United States in 1940, 15,870 were native-born and 10,998 were foreign-born (5,522 males and 5,476 females). Most of the foreign-born—8,600, or 78.1 percent—lived in urban areas (4,199 males and 4,401 females); 1,648 in rural nonfarm areas (890 males and 758 females); and 750 in rural farm areas (433 males and 317 females).[90]

Nearly 40 percent (4,344) of the foreign-born Australians and New Zealanders were living in California in 1940. New York ranked second, with 1,433. Their Nation-wide distribution was as follows: [91]

Area	Number	Percent
North	4,673	42.5
South	839	7.6
West	5,486	49.9

c. Naturalization and assimilation

Australians and New Zealanders in this country present no special problems of adjustment, inasmuch as their social and cultural background is similar to ours. As a result, they readily merge into the American way of life. During the fiscal year 1948, 280 persons born in Australia or New Zealand were naturalized.[92]

d. Education—Religion

Australians and New Zealanders are much like Americans in education and religion. Education is both free and compulsory, and freedom of religion prevails. In Australia the principal religious affiliations are: Church of England (45 percent), Roman Catholic (21 percent), Methodist and Presbyterian (12 percent each). In New Zealand the chief religious affiliations are: Church of England (41 percent), Presbyterian (24 percent), and Roman Catholic (13 percent).[93]

[87] Immigration and Naturalization Service, Annual Report, 1948, table 4.
[88] Ibid., table 6A.
[89] Direct information from Immigration and Naturalization Service, July 11, 1948.
[90] U. S. Bureau of the Census, Census of 1940, Population (1940), vol. II, pt. 1, table 14, p. 42.
[91] Ibid., table 36, pp. 88-89.
[92] Immigration and Naturalization Service, annual report, 1948, table 46A.
[93] H. G. Duncan, Immigration and Assimilation (1933), op. cit., pp. 123-124.

6. JEWS

a. Background of immigration

Jewish immigrants came to America as early as the 1650's. The first Jewish congregation was recorded in New York City in 1656.[94] The early Jews were chiefly Spanish and Portuguese.[95] The number of Jews in the United States at the outbreak of the Revolutionary War has been estimated at 2,000. The largest wave of Jewish immigration came from eastern Europe, beginning about 1881. During the period from 1881 to 1943, the net increase in Jewish immigration, admissions minus departures, was, 2,499,154.

Since 1943, the term "Hebrew" has been eliminated by the Immigration and Naturalization Service in the classification of immigrants by race or people, and the race designation of persons formerly regarded as Hebrew has since been governed by the country of origin. As a result, no official statistics are available regarding the number of Jewish immigrants after June 30, 1943.[96]

b. Distribution of population

The present Jewish population in the United States totals over 5,000,000, a large percentage of whom are in New York City. The States having the largest numbers of Jews are New York, Pennsylvania, Illinois, New Jersey, Massachusetts, Ohio, California, and Michigan.[97]

c. Assimilation

Generally speaking, the Jews appear to have more closely-knit social, cultural, and religious organizations than other immigrant groups. All three of the main Jewish religious groups, the Orthodox, Reform, and Conservative, comprising nearly 4,000 congregations in the United States, have such societies. One of the principal fraternal orders is the B'nai B'rith. Many local organizations support charitable institutions; others, such as the Jewish Board of Guardians, deal with problems of delinquency and maladjustment.

There are five Yiddish daily newspapers, with a combined circulation of 250,000. In addition, there are numerous weekly and monthly publications in the larger centers of Jewish population.[98]

d. Employment

During the past 150 years, the Jews in this country have established themselves in various occupations. They are most heavily represented in trade, manufacturing, and several mechanical industries. They are also numerous in the professions, especially in law, medicine, and dentistry, and are quite influential in the arts, theater, and entertainment world.[99]

e. Education

Jews maintain and support numerous elementary and secondary schools. In 1947, New York City alone had 58 all-day schools. Throughout the country, an estimated 116,541 persons were attending Jewish week-day schools, while 117,817 were enrolled in Sunday schools.[1]

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[94] Information Please Almanac, 1948, p. 763.
[95] Brown and Roucek, op. cit., p. 281.
[96] American-Jewish Committee, American-Jewish Yearbook, 1947-48, pp. 745-746.
[97] American-Jewish Committee, American-Jewish Yearbook, 1947-48 (1947), p. 185.
[98] Ibid., pp. 185-6.
[99] Brown and Roucek, op. cit., p. 282 ff.
[1] American-Jewish Committee, American-Jewish Yearbook, 1947-48 (1947), p. 161 ff.

7. NEGROES

a. Background of immigration

The first recorded landing of Negro slaves on the American mainland was in 1619 when a Dutch trader brought 19 to Jamestown. The last cargo arrived at Mobile, Ala., in 1859. At the time of the first census in 1790, there were 757,208 Negroes in the United States.

For the period 1927 to 1948, an estimated 13,000 Negroes from the West Indies entered this country.[2] In addition, several hundred Negro aliens are admitted each year as students under section 4 (e) of the Immigration Act of 1924.

b, Distribution of population

There were 12,865,518 Negroes in the United States at the time of the 1940 census (6,269,038 males and 6,596,480 females); 83,941 were foreign-born (44,488 males and 39,453 females).[3]

Because of its relatively high rate of natural increase, the Negro population in the United States at the time of the 1950 census is expected to number at least 15,000,000. In the Territories and possessions there are additional Negro groups, as follows:

Area:	*Number*
Puerto Rico	500,000
Virgin Islands	20,000
Panama Canal Zone	5,000
Hawaiian Islands	200

The median age of the Negroes increased from 23.6 in 1920 to 25.6 in 1940.

After their emancipation, particularly after 1880, the Negroes of the South began to move north. In 1880 the Negroes comprised about 34 percent of the population in the South, but less than 25 percent in 1940.[4] The 1940 census showed that 9,904,170 Negroes were in the South, 2,790,193 in the North, and 170,706 in the West.[5]

Despite the movement to cities following the Civil War and the urban movement during the present century, over two-thirds of the Negroes in the South continued to live in rural areas. The urban Negro population totaled 6,253,588; rural farm, 4,502,300; and rural nonfarm, 2,109,630.

The urbanization of the Negro population during the present century has followed two courses. In the South, over a million have drifted from the farms and plantations to nearly 800 towns and cities. The movement to northern cities has been directed chiefly to four cities—New York, Chicago, Detroit, and Philadelphia.

c. Employment

Many Negro women have found employment as domestic workers, and, while a large percentage of the men have been restricted to unskilled jobs, there has been greater occupational differentiation of the Negro population in the large cities. Particularly in New York, Chicago, Detroit, and Philadelphia, with Negro populations of from a quarter to a half million, occupational differentiation has shown the greatest development.[6] According to the 1940 census, of the 9,259,444

[2] Direct Information, Immigration and Naturalization Service, April 18, 1949.
[3] U. S. Bureau of the Census, Census of 1940, Population (1940), vol. II, pt. 1, table 4, p. 19.
[4] Brown and Roucek, One America (1945), p. 454.
[5] U. S. Bureau of the Census, Census of 1940, population (1940), vol. II, pt. 1, table 25, p. 55.
[6] Brown and Roucek, op. cit., p. 435.

Negroes 14 years old and over, 5,389,191 were gainfully employed in the country's labor force (3,582,005 males and 1,807,186 females).[7]

d. Education—Religion

In 1940, of the 5,073,642 Negroes between the ages of 5 and 24, 2,501,639, or 49.3 percent, were attending school (1,205,679 males and 1,295,960 females). The median for school years completed by Negroes 25 years old or over in 1940 was 5.7. The national median was 8.4 years.[8] The rate of illiteracy for Negroes was 16.3 percent (1930).[9]

Almost 6,000,000 Negroes worship in nearly 38,000 churches of their own. Their chief affiliations are Baptist (4,000,000), Methodist (1,500,000), Roman Catholic (150,000), and Church of God (70,000).

e. Crime

The relative felony commitment rate of Negroes for recent years is shown in the following table: [10]

Felony prisoners received from court in Federal and State institutions in the United States from 1942 to 1946

	1942	1943	1944	1945	1946
All	47,761	40,273	41,058	43,281	56,432
Negro	14,660	12,131	12,165	13,207	18,655
Percent	30.7	30.1	29.6	30.5	33.1

C. Age Distribution of the Population

1. AGE STATISTICS ON THE POPULATION AS A WHOLE

The median age of the population of the United States, both the native-born and foreign-born, is increasing. In 1940, the median age of all classes of persons in the United States was 29 years, as compared with 26.5 years in 1930. At the same time, the median age for native-born whites was 26.9 years, while that for foreign-born whites was 51 years.[11] In 1930 the median ages for native-born whites and foreign-born whites were 23.7 and 43.9 years, respectively.[12] Thus, it may be seen that, for both native-born white and foreign-born white, the median age was greater in 1940 than in 1930.

It should be pointed out that the percentage of foreign-born in lower-age groups (14 years and under) is much smaller than the percentage of native-born in corresponding age groups, while the percentage of foreign-born in higher-age groups (45 years and over) is much greater than the percentage of native-born in corresponding age groups. This situation is due to the fact that a high percentage of the immigrants admitted to this country are adults, while a relatively low percentage of those admitted are children or infants.

[7] Statistical Abstract of the United States, 1948, p. 173.
[8] Ibid., p. 125.
[9] World Almanac, 1949, p. 375.
[10] U. S. Bureau of the Census, Prisoners in Federal Prisons and Reformatories, 1946 (1948), p. 27.
[11] U. S. Bureau of the Census, Census of 1940, population, vol. IV, Characteristics by Age, pt. I, table 46, p. 157.
[12] U. S. Bureau of the Census, Census of 1930, Population, vol. II, pt. I, table 7.

The following table shows comparative percentages of the foreign-born white population and the total white population, by age groups, for the years 1930 and 1940: [13]

Age group	Total white population		Foreign-born white population	
	1940	1930	1940	1930
	Percent	*Percent*	*Percent*	*Percent*
14 years and under	24.5	29.0	0.8	2.5
15 to 45 years	48.1	47.4	33.4	50.1
45 years and over	27.5	23.6	65.8	47.3

2. AGE STATISTICS ON IMMIGRANTS (1899–1948)

The number of immigrants admitted from 1899 to 1948 totaled 20,524,659. During the peak decade from 1901 to 1910, 8,795,386 immigrants came to this country, as contrasted with 528,431 admissions in the decade from 1931 to 1940, when the quotas under the national origins system first were in operation.

From 1899 to 1948, the percentage of immigrants in each age group was as follows:

Under 16 years	13.9
16 to 44 years	79.0
45 years and over	7.1

The percentage under 16 years of age remained fairly stable during the period between 1899 and 1948, while the percentage in the 16 to 44 years age group decreased and the percentage in the group 45 years and over increased, as is shown by the following table:

Age group	1899	1900	1901–10	1911–20	1921–30
	Percent	*Percent*	*Percent*	*Percent*	*Percent*
Under 16 years	14.1	12.2	12.0	14.2	17.6
16 to 44 years	79.6	82.6	83.0	78.8	73.2
45 years and over	6.3	5.2	5.0	7.0	9.2

Age group	1931–40	1941–45	1946	1947	1948
	Percent	*Percent*	*Percent*	*Percent*	*Percent*
Under 16 years	16.6	14.4	10.2	12.8	14.1
16 to 44 years	66.3	62.9	78.9	68.9	66.0
45 years and over	17.1	22.7	10.9	18.3	19.9

Statistics for the population as a whole show a more equal percentage distribution among the different age groups than exists for the immigrant population. In 1940, for example, 25 percent of the population as a whole were in the age group of 14 years and under, 48.3 percent were in the 15 to 44 age group, and 26.7 percent were in the age groups of 45 years and over.[14] Statistics for the year 1900 are as follows: 14 years and under, 34.4 percent, 15 to 44 years, 47.6 percent, and 45 years and over, 18.1 percent.

[13] U. S. Bureau of the Census, Census of 1940, Population, Nativity and Parentage of the White Population—General Characteristics, table IV, p. 2.

[14] U. S. Bureau of the Census, Census of 1940, Population, Characteristics by Age, vol. IV, pt. I, table V, p. 3.

Since the middle-age group is the productive group, it is to be expected that a relatively high percentage of the immigrants admitted would be from that group, inasmuch as they would probably be physically and economically more able to migrate and to qualify for admission under the immigration laws of this country than would the extremely young or the extremely old. During the period of World War II, it was, however, the very young and the very old who were permitted to leave Europe, while those who were needed for military service or for war industry, that is, the middle-age groups, were not permitted to migrate.

3. ALIEN POPULATION

Of a total of 5,009,857 aliens registered in this country as of December 26, 1940, roughly 1 percent (49,443) were in the age group 14 years or under, 41.08 percent (2,058,419) were in the age group of 15 to 44 years, and 57.92 percent (2,901,995) were in the age group of 45 years and over.[15]

Ernest Rubin, of the Immigration and Naturalization Service, observed that—

> The age distribution of the alien population is unusual. In January 1941 the median age was 48 years, while that of the total population was only 29 years. As of July 1, 1945, it is estimated that the median age was 52.9 years, an increase of almost 5 years, while that of the total population was 29.7 years, an increase of only 0.7 years. * * *
>
> The rapid rise in the median age indicates the aging trend of the alien population as a whole. Significant changes have also occurred in particular age groups. In January 1941, 70.5 percent of the alien population was 40 years of age and over, approximately 60 percent was 50 years of age and over, and more than 30 percent was 60 years of age and over * * *.[16]

Naturalization is probably the primary factor in the aging of our alien population. Aliens in the younger groups, who can usually satisfy the educational requirements for naturalization more readily than can the older ones, tend to become naturalized more rapidly. Furthermore, older persons frequently do not feel as great a need for becoming naturalized as do the younger ones.[17]

D. Sex Distribution of the Population

1. SEX DISTRIBUTION OF THE POPULATION AS A WHOLE

Numerous studies have been made with respect to the distribution of the population of this country on the basis of sex. Of particular interest are the significant changes which have occurred in the sex distribution of the alien population since January 1941. These changes are treated in subsection 3 of this section.

Certain observations should first be made with regard to the sex ratio of the population as a whole. This ratio was almost even in 1940, 100.7 males for every 100 females. This figure is not, however, completely illustrative, as there is relatively little intermarriage among races or between new arrivals and the native-born population.[18]

The native-born far outnumbered the foreign-born in 1940, the totals being 120,074,379 and 11,594,896, respectively. The sex ratio of the native-born was nearly even, 99.7 males per 100 females,

[15] U. S. Bureau of the Census, Statistical Abstract of the U. S., 1947, table 135, p. 116.
[16] U. S. Immigration and Naturalization Service, Monthly Review, November 1946, p. 57.
[17] Ibid., p. 62.
[18] Francis J. Brown and Joseph S. Roucek, One America (1945), pp. 481–482.

whereas the ratio for the foreign-born, 111.8 males per 100 females, showed a much greater disproportion.[19]

For the total United States population, the ratio between the two sexes has changed since 1850, although not uniformly, as follows: [20]

	Males per 100 females		*Males per 100 females*
1850	104. 3	1900	104. 4
1860	104. 7	1910	106. 0
1870	102. 2	1920	104. 0
1880	103. 6	1930	102. 5
1890	105. 0	1940	100. 7

2. SEX DISTRIBUTION BY RACE

a. White race

Members of the white race far outnumbered those of other races in the United States in 1940. The total figures by sex were 59,448,548 males and 58,766,322 females, with a ratio of 101.2 males per 100 females. The sex ratio for the foreign-born element was somewhat larger—111.1 males per hundred females—than it was for the native population, 100.1 males per 100 females.[21]

b. Negro race

The second largest racial group in the United States in 1940 was the Negro, with a total of 6,269,038 males and 6,596,480 females, a ratio of 95.0 males per 100 females. The number of native-born females exceeded the number of native-born males, the totals being 6,557,027 and 6,224,550 respectively, the ratio being 94.9 males per 100 females, which was slightly below the over-all ratio for the race. Among foreign-born Negroes the males outnumbered the females, 44,488 and 39,453 respectively, making the sex ratio 112.8 males per 100 females.[22]

c. Other races

The total number of persons of other races in the United States in 1940 was relatively small and the over-all sex ratio showed the greatest divergence, 140.5 males per 100 females. The total number of males of these other races was 344,006, with 277,862 native-born and 66,144 foreign-born; the total number of females was 244,881, of whom 219,208 were native-born and 25,673 were foreign-born. The ratio between the sexes was 126.8 males per 100 females for the native-born, and 257.6 males per 100 females for the foreign-born.[23]

The oriental races in particular show a great disproportion in the sex ratio. In 1940, for example, there were 57,389 Chinese males in this country but only 20,115 Chinese females. Of the total number of males, 25,702 were native-born, while a larger number, 31,687, were foreign-born. On the other hand, the number of native-born Chinese women, 14,560, far outnumbered the foreign-born, who totaled 5,555. While the ratio between the two sexes is becoming smaller—285.3 males per 100 females in 1940 as compared to 1,858.1 males per 100 females in 1860—it is still large.[24]

The other oriental race in which the ratio between the sexes is large is the Japanese. In 1940, there were 71,967 Japanese males and 54,980 Japanese females in this country. Of the total number of

[19] U. S. Bureau of the Census, Census of 1940, Population, vol. II, p. 19.
[20] U. S. Bureau of the Census, Statistical Abstract of the United States, 1947, p. 18.
[21] U. S. Bureau of the Census, Census of 1940, Population, vol. II, p. 19.
[22] Id.
[23] Id.
[24] Id.

males, 42,316 were native-born and 29,651 were foreign-born, while 37,326 of the females were native-born and 17,654 were foreign-born. The ratio in 1940 was 130.9 males per 100 females, as compared to 687.3 males per 100 females in 1890, the first year for which the figures are available.[25]

It should also be noted that sex ratios vary according to age. This fact can best be illustrated by the following set of figures.[26]

Number of males per 100 females

Age	White	Negro
Total United States	101.2	95.0
0 to 9	103.7	99.0
10 to 19	102.2	96.1
20 to 29	97.7	85.7
30 to 39	99.2	88.8
40 to 49	102.7	98.6
50 to 59	106.4	107.2
60 and over	97.4	103.2

It can be seen that males of the white race outnumber females during the first 20 years of age and again during the 40-to-60-year span. The Negro race has, however, an excess of females until the 50-or-over age group is reached.

3. SEX DISTRIBUTION OF IMMIGRANTS

Many factors affect migration to the United States, economic pressure, war, and marriage being, perhaps, the major ones. For this reason admissions to this country have shown no uniform trend over the years nor has the sex ratio of the immigrants been balanced.

As pointed out by Rubin, a preponderance of male immigrants is "one of the principal characteristics of international or long distance migration."[27] Yet, during the past 13 years, there has been a preponderance of female immigration, the sex ratios being as follows:[28]

	Males per 1000 females immigrating to United States
1935–39	785
1940–44	796
1945	541
1946	335
1947	575

According to Rubin, the sex ratio of immigrants from 1830 to 1914 was 177 males for every 100 females. From 1915 to 1945 the ratio declined to 121.8 males for every 100 females.[29]

Until the decade from 1931 to 1940, the number of male immigrants exceeded female immigrants. Statistics for the period from 1931 to 1940 show, however, a total of 229,150 (43.4 percent) males and 299,281 (56.6 percent) females. In the next decade, 41 percent were males and 59 percent were females. For the fiscal years 1946, 1947, and 1948, the percentage of female immigrants rose to 74.9, 63.5 and 60.5, respectively.[30]

[25] U. S. Bureau of the Census, Census of 1940, Population, vol. II, p. 19.
[26] Warren S. Thompson, Population Problems (1942), p. 136.
[27] U. S. Immigration and Naturalization Service, Monthly Review, May 1945, p. 143.
[28] U. S. Immigration and Naturalization Service, Annual Report, 1947, table 10A, p. 70.
[29] U. S. Immigration and Naturalization Service, Monthly Review, November 1946.
[30] Special Statistics from U. S. Immigration and Naturalization Service.

This growth resulted largely from the post World War II immigration of wives of servicemen which totaled 92,465 or 33 percent of the total female immigration of 278,217 for the fiscal years 1946–48. There are relatively few husbands or children of service personnel who have entered this country under the War Brides Act,[31] the total figures for both sexes through June 30, 1948, being:[32]

Year ended June 30—	Total	Husbands	Wives	Alien children
Total	95,785	256	92,465	3,064
1948	23,016	94	21,954	968
1947	27,212	101	25,736	1,375
1946	45,557	61	44,775	721

Another significant immigration factor is the large number of displaced persons who are presently entering the country. As of June 30, 1948, a total of 41,379 persons had entered under the President's directive of December 1945, but these people made no appreciable change in the over-all sex ratio of immigrants, as there were 20,923 males and 20,456 females.[33]

A large group of immigrants has also been admitted under the Displaced Persons Act of 1948. As of September 30, 1949, admissions totaled 45,866 males and 38,783 females, 54 percent and 46 percent, respectively.[34]

While the ratio of male to female immigrants was declining, the same trend was noticeable in native-born and foreign-born groups. The census of 1940 gives the following figures for males per 100 females in the years listed: [35]

Year	Males per 100 females		
	All	Native	Foreign-born
1900	104.4	102.2	119.5
1910	106.0	102.2	131.1
1920	104.0	101.4	122.9
1930	102.5	100.8	116.6
1940	100.7	99.7	111.8

Admissions cannot, however, be considered alone, for each year there is a fairly large group of persons who emigrate from the United States. Thus the sex ratio for aliens admitted to and departed from the United States for the fiscal years 1935 to 1947 is as follows: [36]

Year	Aliens admitted, males per 1,000 females	Aliens departed, males per 1,000 females
1935–39	785	1,614
1940–44	796	1,616
1945	541	1,013
1946	335	1,297
1947	575	1,775

[31] Public Law 271, 79th Cong., 59 Stat. 659.
[32] U. S. Immigration and Naturalization Service, Annual Report, 1948, p. 15.
[33] U. S. Immigration and Naturalization Service, Monthly Review, September 1948, p. 34.
[34] Special Statistics from U. S. Department of State, Nov. 23, 1949.
[35] U. S. Bureau of the Census, Census of 1940, Population, vol. II, table 4, p. 19.
[36] U. S. Immigration and Naturalization Service, Annual Report, 1947, table 10A, p. 70.

Wars have always tended to throw the immigrant sex ratio out of balance, usually causing a preponderance of female immigration. This being an unnatural situation, it is to be expected that the present preponderance of female immigration will not continue, but rather that the immigration sex ratio will tend to become more balanced.

4. SEX DISTRIBUTION BY AREAS

The sex ratio of the population in urban areas is different from that in rural areas. In 1940 there were more white males in the rural districts of the country than females, the over-all ratio being 112 males per 100 females. The ratio in the urban districts was 92.2 males per 100 females.[37] This difference can be explained by studying the nature of the two districts. Farm work is essentially a man's job, and requires more men than women, whereas women can more easily find employment for themselves in the city.

In cities, the sex ratios of the foreign-born and native-born white population are disproportionate. The foreign born have 106.8 males for every 100 females, whereas the native-born have but 91.1 males for every 100 females. These figures are particularly significant in view of the fact that first generation foreign born in this country do not tend to intermarry.[38]

The rural districts are characterized by a preponderance of males in both the native and foreign-born white elements. As in the case of the urban districts, there is a greater disproportion among the foreign-born whites than among the native-born, the ratios being 140.3 and 103.4 males per 100 females, respectively.[39]

These ratios are indicative of the general makeup of the future population of the United States, as rural families tend to be larger than urban families [40] and the average life span for women is longer than it is for men.[41]

The group constituting the largest percentage of foreign-born whites in rural areas is the German, which in 1940 composed 16.3 percent of the total foreign-born whites on farms, whereas Italians composed 15.7 percent of the total foreign-born white population in urban areas. The ratio between the sexes in these foreign-born groups does not seem to be indicative of any general trend. The total number in each group and its percentage of the whole is as follows: [41a]

[37] U. S. Bureau of the Census, Census of 1940, Population, Special Studies, table 3, p. 15.
[38] Francis J. Brown and Joseph S. Roucek, One America (1945), pp. 481–482.
[39] U. S. Bureau of the Census, Census of 1940, Population, Special Studies, table 3, p. 15.
[40] Warren S. Thompson, Population Problems (1942), pp. 168ff.
[41] Ibid, pp. 227ff.
[41a] U. S. Bureau of the Census, Census of 1940, Population, vol. II, pt. 1, table 14, p. 42.

Distribution of foreign-born white population

Country of birth	Urban			Rural-Farm		
	Percent of total	Male	Female	Percent of total	Male	Female
England	5.4	240,000	249,000	3.6	19,000	14,000
Scotland	2.5	113,000	117,000	1.2	6,000	5,000
Eire	5.6	217,000	297,000	1.6	8,000	7,000
Norway	1.7	82,000	71,000	6.8	37,000	25,000
Sweden	3.3	162,000	144,000	7.7	43,000	27,000
France	0.9	36,000	44,000	0.8	4,000	3,000
Germany	10.1	462,000	457,000	16.3	86,000	63,000
Poland	9.4	444,000	410,000	6.3	33,000	25,000
Czechoslovakia	2.5	112,000	115,000	4.7	23,000	19,000
Austria	4.2	193,000	190,000	3.5	18,000	14,000
Hungary	2.6	117,000	122,000	2.1	10,000	9,000
Russia	10.3	489,000	450,000	5.4	29,000	21,000
Italy	15.7	815,000	615,000	5.0	29,000	18,000
Canada (French)	2.4	102,000	113,000	1.9	10,000	7,000
Canada (other)	6.4	257,000	324,000	6.9	34,000	30,000
Mexico	2.6	118,000	120,000	6.5	35,000	24,000

There is also a variation in the sex ratio in different localities and this ratio, too, has changed over the years, as can be seen by the following table:[41b]

Sex ratios by area

Area	Males per 100 females	
	1940	1880
United States	100.7	103.6
Vermont	102.9	100.9
Massachusetts	95.0	92.8
Ohio	100.4	101.9
Kansas	101.3	116.8
North Carolina	98.6	96.6
White	99.7	96.1
Negro	95.7	97.6
Texas	100.9	111.1
White	101.8	115.0
Negro	95.3	100.1
Washington	109.1	157.7
California	103.7	149.5

These figures show that in the great westward movement of the population and in the settlement of the Western States, the original settlers were primarily males, but, as the areas have become populated, the sex ratio has become more balanced.

5. THE SEX RATIO IN NATURALIZATION

There were only 70,150 persons naturalized in this country during the fiscal year of 1948, the lowest number since 1911. This figure is in contrast to the great number who were naturalized during the war years, both in this country and overseas.[42]

The sex ratio of those persons who were naturalized during the past several years has been rather evenly balanced, the percentages

[41b] Warren S. Thompson, op. cit., p. 99.
[42] U. S. Immigration and Naturalization Service, Annual Report, 1948, p. 33.

of the total number for the fiscal years 1938 to 1946 being as follows: [43]

Year	1938	1939	1940	1941	1942	1943	1944	1945	1946
Male	56.8	60.3	56.3	49.2	41.4	49.2	45.1	49.2	50.2
Female	43.2	39.7	43.7	50.8	58.6	50.8	54.9	50.8	49.8

These percentages, however, do not include those members of the armed services who were naturalized overseas.

Of the total foreign-born white population in the United States in 1940, 64.6 percent were naturalized citizens; the total number naturalized consisted of 69.7 percent of the foreign-born white males and 59.0 percent of the foreign-born white females.

Again, the percentages vary according to the locality, as shown in the following table: [44]

Location	Percent naturalized	
	Male	Female
Northeastern States	70.3	56.8
North Central States	74.5	65.5
Southern States	56.0	48.3
Western States	61.5	57.7

6. THE SEX RATIO IN EDUCATION

Not only does the amount of education vary as between the sexes, but it also varies in different localities, and between native and foreign-born persons.

In 1940, 4.9 percent of the total white population over 25 years of age had completed four or more years of college. The percentage was higher for the native-born than for the foreign-born whites.

The percentages for both native-born and foreign-born white males over 25 years of age who had completed four or more years of college in 1940 were higher than for the females in the same two groups; 6.3 percent of the native-born males and 3.2 percent of the foreign-born males had completed four or more years of college, while only 4.5 percent of the native-born females and 1.3 percent of the foreign-born had done so.

The variance between the percentage of native-born white males and native-born white females having no education was small, 1.6 percent of the males and 1.3 percent of the females—whereas, in the foreign-born group, 13.1 percent of the females and 11.2 percent of the males had had no schooling.[45]

A higher percentage of the urban population 25 years of age and over had completed four or more years of college than had the rural population, 6.1 percent and 1.5 percent respectively. Males, on the whole, had completed more years of schooling than had the females, both among the native-born and foreign-born groups.

[43] U. S. Immigration and Naturalization Service, Annual Report, 1946, p. 115.
[44] U. S. Bureau of the Census, Census of 1940, Population, Special Study—Country of Origin of the White Population, table 9, p. 80.
[45] U. S. Bureau of the Census, Census of 1940, Population, Special Study—General Characteristics, table 26, p. 194.

E. Marital Status

1. INTRODUCTION

The earliest Federal census figures available on the marital status of the population are those for 1890. Although the first inquiry on the subject was made in the census of 1880, the results were never tabulated.[46] In 1890, there were 105.4 white males to every 100 white females, and in 1930, the ratio was 102.9 white males to 100 females. The census of 1940 shows 101.2 white males per 100 females, these numbers being more nearly equal than at any other period in census history.[47]

In 1940, 66.9 percent of the white males and 73.8 percent of the white females 15 years of age or over were or had been married. In the native white population of foreign or mixed parentage, 58.2 percent of the males and 65.7 percent of the females were found to have been married, widowed, or divorced. The highest rates were found in the foreign-born white population 15 years of age or over, with 83.8 percent of the males and 90 percent of the females being listed as married, widowed, or divorced.

The higher incidence of marriage among the foreign-born is due to the fact that this segment of the population is concentrated in the upper age levels. If these figures are compared on an age-for-age basis, the percentage of married, widowed, or divorced in the foreign-born population is slightly less than that of the native. The marriage rate in the case of native whites of foreign or mixed parents is less than of the other two groups, both by actual comparison and by an age-level comparison. It has been found that native whites of native parentage marry at significantly lower ages than either the first or second generation of foreign white stock.[48]

2. POPULATION AS A WHOLE

The census of 1940 shows the following distribution, by marital status, of the total population 15 years of age or over.[49]

Sex	Single		Married		Widowed		Divorced	
	Number	*Percent*	*Number*	*Percent*	*Number*	*Percent*	*Number*	*Percent*
Male	16,376,595	33.2	30,191,087	61.2	2,143,552	4.3	624,398	1.3
Female	12,751,772	25.8	30,087,135	61.0	5,700,092	11.5	882,563	1.7

3. IMMIGRANTS

Statistics on the marital status of immigrants admitted into the United States are not as adequate as those for other segments of the population. According to the Immigration and Naturalization Service, the marital status of approximately 150,000 alien immigrants who were admitted during the fiscal year 1947 is as follows:[50]

[46] U. S. Bureau of the Census, Census of 1940, Population, vol. IV, pt. 3, p. 3.
[47] U. S. Bureau of the Census, Census of 1940, Population, Nativity and Parentage of the White Population, table 3, p. 2.
[48] Ibid.
[49] U. S. Bureau of the Census, Statistical Abstract of the United States, 1948, table 42, p. 42.
[50] U. S. Immigration and Naturalization Service, Annual Report, 1947, table 10.

Marital status	*Number admitted*
Single	61, 152
Married	75, 506
Widowed	8, 346
Divorced	2, 286
Unknown	2

There are no published figures available to show the sex ratios within these categories.

The total number of single persons admitted is considerably smaller than those who are married, widowed, or divorced.

4. NONIMMIGRANTS

Of the 366,305 nonimmigrant aliens admitted during the fiscal year 1947, the Immigration and Naturalization Service showed the following break-down with respect to marital status:[51]

Marital status	*Number admitted*
Single	140, 872
Married	196, 790
Widowed	16, 310
Divorced	4, 255
Unknown	8, 078

5. EMIGRANT ALIENS

During the fiscal year 1947, the 22,501 emigrant aliens departing showed the following distribution with regard to marital status:[52]

Marital status	*Number admitted*
Single	8, 322
Married	11, 726
Widowed	1, 047
Divorced	126
Unknown	1, 280

6. GI BRIDES AND FIANCÉES

The GI Brides Act of December 28, 1945, as amended,[53] provided that alien spouses and children of citizen members of the United States armed forces be admitted on a nonquota basis. Entries under this act, from the effective date to its expiration on December 28, 1948, were approximately 112,000, distributed as follows:

Period	Total	Husbands	Wives	Children
Dec. 28, 1945, to June 30, 1946	45, 557	61	44, 775	721
July 1, 1946, to June 30, 1947	27, 212	101	25, 736	1, 375
July 1, 1947, to June 30, 1948	23, 016	94	21, 954	968
Totals	95, 785	256	92, 465	3, 064

Source: U. S. Immigration and Naturalization Service, Annual Reports, 1946, 1947, 1948, table 9.

The Immigration and Naturalization Service estimated that an additional 16,400 wives, husbands, and minor children entered from July 1 to December 28, 1948.

[51] Ibid., table 18.
[52] Ibid., table 14.
[53] Public Law 271, 79th Cong.; Public Law 213, 80th Cong.

The so-called Fiancée Act of June 29, 1946,[54] provided for the admission of fiancés and fiancées of citizen members of the United States armed forces as temporary visitors. Approximately 5,400 persons had entered the United States under the provisions of this act, through June 30, 1948.

7. REGISTERED ALIENS

As of December 26, 1940, 5,009,857 aliens were registered in the United States, with fewer than 50,000 listed as single persons under 14 years of age. The distribution by marital status, of registered aliens, is as follows:

Sex	Single	Married	Widowed, divorced, unknown
Male	699,008	1,385,994	255,768
Female	345,434	1,858,850	464,803
Total	1,044,442	3,244,844	720,571

Source: U. S. Bureau of the Census Statistical Abstract of the United States, 1948, table 132, p. 115.

The marital status, classified by age groups, is as follows:

Sex	Single	Married	Widowed, divorced, unknown
14 to 44 years of age:			
Male	377,670	507,662	34,258
Female	205,063	878,403	55,363
45 years and over:			
Male	296,646	878,332	221,510
Female	115,620	980,447	409,440

Source: Ibid.

8. NATURALIZED PERSONS

From the fiscal year 1939 to June 30, 1948, 2,262,520 persons were naturalized and their marital status was as follows:

Marital status	*Number naturalized*
Single	340,947
Married	1,743,852
Widowed	138,258
Divorced	39,463

In addition, there were 15,641 members of the armed forces naturalized overseas from 1943 to 1946.[55]

9. INTERMARRIAGE BETWEEN IMMIGRANTS AND NATIVES

Professor Drachsler made an analysis of more than 100,000 original marriage records in New York from 1908 to 1912. He found that the second generation of immigrant stock intermarried with other races three times as often as first-generation immigrants.[56]

[54] Public Law 471, 79th Cong.
[55] U. S. Immigration and Naturalization Service Annual Report, 1947, 1948, table 42.
[56] Prof. J. Drachsler, Democracy and Assimilation (1920), pt. II.

A study of intermarriage among parents of public school children in Woonsocket, R. I., showed that in 4,978 cases, 9.6 percent of the first generation, 20.9 percent of the second generation, and 40.4 percent of the third generation of the parents married outside their original racial group.[57]

The proportion of native-born whites of mixed native and foreign-born parentage of the total United States population, as shown in the censuses from 1870 to 1930, is as follows: [58]

Year	Percent	Year	Percent
1870	4. 1	1900	8. 7
1880	5. 2	1920	8. 6
1890	7. 4	1930	8. 8

It might be pointed out that nowhere in the United States is there any statutory restriction on the intermarriage of persons of the white race either with native- or foreign-born.[59] There are, however, legal restrictions in a number of states against interracial marriages which go beyond the primary distinction, such as intermarriages between whites and blacks or between whites and members of the oriental races.

F. Birth and Death Rates

1. INTRODUCTION

The natural growth of the population of the United States falls into two general periods. From the time permanent settlements were established in the Colonies to about 1810, there was a relatively high birth rate in comparison to the mortality rate. After 1810, the birth rate began a decline lasting to this day. The result of this change has been a decrease in the rate of the natural growth, which is expected to result in an eventual decline of the population size, with a concommitant rise in its average age.

a. Early period

It has been estimated that the white population of the United States in 1650 was approximately 52,000. By the time the first national census was taken in 1790—140 years later—the population had increased seventy-five-fold, to nearly 4,000,000 (including 800,000 Negroes). On the basis of the available data, it is estimated that a substantial portion of this growth was due to the high birth rate rather than to immigration alone.

A comparison of the ratio of children to women of child-bearing age shows that, as late as 1805, the annual birth rate was 55 per thousand, while the death rate was only 25, a growth which would double the population every 23 years.[60]

b. After 1810

The rate of natural increase, which had stood at 30 per thousand from 1790 to 1830, dropped to 15 per thousand from 1830 to 1860, and to 12 per thousand from 1910 to 1930.[61]

[57] Prof. Bessie Bloom Wessel, An Ethnic Survey of Woonsocket, R. I. (1931), p. 290.
[58] U. S. Federal Security Agency, Provisional Marriage and Divorce Statistics (1947), table 1.
[59] Maurice R. Davie, World Immigration (1936), p. 289.
[60] Warren S. Thompson, The Demographic Revolution in the United States, The Annals, American Academy of Political and Social Science, March 1949, p. 62.
[61] Warren S. Thompson, Population Problems (1942), p. 250, 251.

The age distribution of the population in 1820 showed a large proportion of young people as a result of the high natural increase. About 18.5 percent of the population was under 5 years of age and 39.4 percent was 5 to 19 years of age, while only 30 percent was between 20 and 44 and 12.2 percent was 45 or over. By the end of the century, the population under 5 had dropped to 12.1 percent and that 5 to 19 was only 32.3 percent while the 20 to 44 group had risen to almost 38 percent, and those 45 or over to 17.8 percent of the total population. The median age had risen from 16 to 22.9, an increase of about 7 years.

By 1940, only 8 percent of the American population was under 5; 26.4 percent was 5 to 19; 38.9 percent was between 20 and 44; and 26.7 percent was 45 or over. There has been an increase in the birth rate since 1940 as a result of war-wrought changes, but this rise is not expected to be permanent. It has been estimated that the probable age distribution by 1975 will be 6.8 percent for persons under 5 years of age; 26.4 percent for those 5 to 19; 36.5 percent for the 20 to 44 group, and 35.3 percent for those 45 and over. An important increase is expected particularly in the age group over 65.[62]

2. BIRTH RATES

A marked characteristic of the declining birth rate is the unequal rate of growth among different groups, classes, and regions in the country.

The rural population has furnished a higher proportion of the population in the past and continues to furnish a higher proportion of the next generation than other segments. In the period 1935–40, the rural-farm population had a net reproduction rate over twice as high (166) as the urban population (73); the rural nonfarm population was about halfway between (115).[63]

The higher-income classes and persons of higher education levels have much lower birth rates than poorer classes and those with less education. A study made by Bernard D. Karpinos and Clyde V. Kiser in 1935 and 1936 covering more than 2,000,000 persons in 18 cities showed that families receiving $3,000 and more per year had 60 percent of the average number of children, whereas families on relief had 164 percent of the average number of children.

In this same report, with the general average net reproduction as 100 percent, the offspring of various educational groups were as follows:

College	74
High school	97
Seventh or eighth grade	123
Under seventh grade	139

A similar study by P. K. Whelpton and Clyde V. Kiser in Indianapolis in 1941 showed an inverse relationship between education and the number of children. For women 40 to 44 the number of children per wife for various educational levels was:

[62] Warren S. Thompson, Demographic Revolution in the United States, The Annals, American Academy of Political and Social Science, March 1949, pp. 63, 66.
[63] Warren S. Thompson, op. cit., p. 67.

Education:	Number of children
4 or more years of college	1. 70
3 years of college	1. 83
2 years of college	1. 63
1 year of college	1. 79
4 years of high school	1. 71
3 years of high school	2. 10
2 years of high school	2. 01
1 year of high school	2. 36
8 years of grade school	2. 50
7 years of grade school	4. 11

The Census Bureau has classified according to occupations of the father those wives of ages 35 to 39 to whom a child was born in 1929. The total numbers of living children per family in illustrative occupations were as follows:

Occupation:	Number of children
Coal-mine workers	6. 4
Farmers	6. 1
General laborers	5. 6
Bootblacks	5. 2
Semiskilled workers	4. 9
Photographers	3. 5
Designers, draftsmen, inventors	3. 4
Physicians and surgeons	3. 0
Architects	2. 7

Thompson summarizes the findings of various studies regarding the differential birth rate in the United States in the statement:

> The most fertile group of any considerable size in this country is that engaged in the extraction of minerals. Although information on this point is not wholly satisfactory, the coal counties in the Appalachians show extremely high ratios of children to women. Next in order comes the group engaged in agriculture, and since this is 10 times as large as the mining group and has a high rate of increase, a considerable part of the total national increase of the United States is coming from this group. Nearly all the rest is coming from hand workers—unskilled, semiskilled, and skilled—in descending order of importance. Finally the white-collar workers—tradesmen, professional workers, and others—have a very low fertility and are failing to reproduce themselves by a large margin.

3. COMPARISON OF BIRTH RATES BETWEEN FOREIGN-BORN AND NATIVE-BORN

Vital statistics for aliens have never been kept separately. The white population of the United States is classified by the Bureau of the Census into two groups: Native white and foreign-born white.

The proportion of the foreign-born persons reached a maximum in 1910, with 14.5 percent of the total population. By 1940 this proportion had fallen to 8.7 percent, and it will continue to decline in the future unless present quotas are raised.[64]

Birth rates show that, while the foreign-born white mothers had higher birth rates in 1920 (101.2 per thousand) and 1930 (59.2) than did native white mothers in 1920 (66.3) and in 1930 (55.5), the birth rate in 1940 was higher for native white mothers (53.0) than for foreign-born white mothers (31.7).[65] Birth rates furnished by the National Office of Vital Statistics for 1945 are 59.2 for native-born white women and 32.9 for foreign-born white women.

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[64] Warren S. Thompson, op. cit.
[65] U. S. Bureau of the Census, Vital Statistics Rates in the United States, table 48, p. 681.

It is not to be expected that this trend will continue, since the majority of the foreign-born white women are aging past the reproductive period and their ranks are not being replenished by a sufficient inflow of young women to raise the average.

Over the period in which statistical material is available, the size of the families of native-born parents has been smaller than families of foreign-born parents. Although the Census Bureau uses the classification "household" rather than "family," a study of the number of children of foreign-born and native parents was made in 1935–36 by statistics students of Mount Holyoke College.[66] Based on the family history over three generations of the 691 families of the student body, this investigation showed that the decrease in the proportion of foreign-born parents brought with it a decrease in the average number of children.

In the present generation, for example, families with two foreign-born parents had an average of 3.9 children, while native-born parents had only 2.5. The greatest difference was found in the second generation, with 6.3 children for foreign-born parents and 4.0 for natives.

It is interesting to observe that in the first generation, 39 percent of the families had both parents born in foreign countries and 56 percent had both parents native-born, whereas the third generation showed 85 percent native-born parents.

A distinct downward trend was evidenced in the three generations studied. The size of family decreased from 5.5 in the grandmothers' generation to 2.8 in the students'—a drop of 54 percent. This decline in size was associated with three important factors: (1) The percentage of native-born mothers increased from 57 percent in the grandmothers' generation to 89 percent in the students', (2) the average age of mothers at time of marriage increased 7 years from the grandmothers' generation to the students' generation, (3) the mothers of the student generation had three more years of education than the great-grandmothers of the students.

The decline of the number and proportion of the foreign-born in the population is unequal among the different nationalities comprising the foreign-born part of the population, but specific birth rates by nationalities are not available.

4. COMPARISON OF DEATH RATES BETWEEN FOREIGN-BORN AND NATIVE-BORN

Since citizenship is not reported on death certificates, there is no direct source of information on death rates for aliens. It is established, however, that the foreign-born, among whom the aliens are included, have higher death rates than the native-born.

The death rates per thousand of the population by nativity of white from 1900 to 1940 are: [67]

Year	Native white	Foreign-born white
1900	16.6	18.6
1910	13.9	17.0
1920	11.7	17.6
1930	9.7	18.3
1940	9.1	23.1

[66] Ruth C. Truex in American Sociological Review, vol. I (1936), No. 4, pp. 581, 587.
[67] F. E. Linder and R. D. Grove, Vital Statistics Rates in the United States, 1900–40, U. S. Government Printing Office (1943), table 46, p. 669.

The generally accepted reason for higher death rates among the foreign-born white population than among the native white population is the less favorable occupational and economic status of the former.

5. COMPARISON OF BIRTH RATES AMONG RACES

Because of the lack of exact information, evaluation of birth and death rates among races in this country is difficult. The classifications most frequently used in vital statistic reports for the United States are "White," "Negro," and "Other races" or simply, "White" and "All other."

Birth rates for "White" and "All other races" from 1920 to 1940 show higher rates for "All other" in each year: [68]

Birth rates

Year	White	All other races	Year	White	All other races
1920	71.4	78.8	1930	55.4	60.5
1921	72.5	79.9	1931	52.4	58.6
1922	66.5	73.0	1932	49.8	63.5
1923	65.9	72.9	1933	46.9	62.4
1924	65.9	75.4	1934	48.4	65.2
1925	63.3	72.9	1935	48.5	57.3
1926	61.0	71.6	1936	47.9	55.9
1927	60.9	67.1	1937	48.7	58.1
1928	58.2	62.6	1938	50.3	58.9
1929	55.5	60.2	1940	51.0	60.4

Of the total United States population in 1940, 9.8 percent was Negro and constituted the bulk (over 90 percent) of the group classified as "All other." It is obvious, therefore, that Negroes have always had higher birth rates than whites.

Although the Negroes have always had higher birth rates than whites, the Negro population, contrary to widespread belief, has not always increased more rapidly than the white population. Until 1930 the rate of natural increase of whites exceeded that of the Negroes, the increase of Negroes averaging about three-fourths the rate of increase for whites. The explanation, of course, is the higher death rate among Negroes. Since 1930, it appears, however, that the Negroes have had a somewhat higher natural increase than whites. [69]

6. COMPARISON OF DEATH RATES AMONG RACES

It has long been known that Negroes have higher death rates than whites. Death rates in this country for "White" and "All other races" for the census years 1900 to 1940 are: [70]

Year	White	All other races
1900	17.0	25.0
1910	14.5	21.7
1920	12.6	17.7
1930	10.8	16.3
1940	10.4	13.8

[68] Id.
[69] Warren S. Thompson, Population Problems, (1942), p. 128.
[70] F. E. Linder and R. D. Grove, Vital Statistics Rates in the United States, 1900-40, U. S. Government Printing Office (1943), table 4, p. 150.

Since Negroes constitute over 90 percent of the nonwhites, these rates may be regarded as showing substantially the mortality differences between whites and Negroes.

7. FUTURE POPULATION TRENDS IN THE UNITED STATES

The declining death rate which has prevailed for so long cannot continue unless the life span of a great number of people should grow considerably longer. Control of the epidemic germ diseases has been responsible for the declining death rate, but the degenerative diseases are claining a larger share of lives as the average age of the population increases.

The declining birth date, on the other hand, is expected to continue and the increase in births since 1940 is likely to be only temporary. In the near future, the United States may, therefore, be faced with the problem of a static or declining population.

Any considerable immigration of young immigrants from areas having high birth rates would tend immediately to lower the average age of the population and to increase the birth rate, but only temporarily.

In the past, the influx of large numbers of immigrants also helped to maintain a higher birth rate because the greater part of the immigrants, even those going to the cities, came from rural populations where high birth rates were the rule. At the present time, however, a larger proportion of immigrants will almost certainly come from cities where birth rates are low. Besides, the birth rates in most of the rural areas from which immigrants might come are no longer as high as in the past. Thus, in spite of the fact that immigrants consist predominantly of young adults who would have low crude death rates and high crude birth rates, a net in-movement of 100,000 immigrants a year would not raise our population more than about 500,000 above the net immigration in 20 years; that is, the immigrants surviving at the end of 20 years, plus their childern, would total about 2,500,000.[71]

Immigration from northern and western European countries cannot be the solution for a declining population, for in those countries also the declining birth rate is expected to continue after a temporary increase in the immediate postwar years. The European population today is older and short of young men who formed the bulk of previous migrations.

In strictly demographic terms, Europe is no longer producing surpluses of population to feed the streams of overseas migration. At the same time, the growth of cities and of industry is absorbing the surplus rural population in those countries that previously furnished the largest immigration potential.[72]

G. Relief

1. ADMINISTRATION OF PUBLIC RELIEF PROGRAMS

Public relief in the United States is provided through four major programs, all administered by the State and local governments. Payments to three groups of needy persons—aged, blind, and dependent children—are financed in part from Federal funds granted to the

[71] Warren S. Thompson, The Demographic Revolution in the United States, the Annals of the American Academy of Political and Social Sciences, March 1949.
[72] Dudley Kirk, Demographic Trends in Europe, the Annals of the American Academy of Political and Social Sciences, March 1949, p. 55.

States under the Social Security Act. Aid to other needy persons is furnished through general assistance toward which the Federal Government makes no contribution.[73]

a. Legal restrictions

The only restriction imposed on the individual States receiving Federal money for public assistance as to the citizenship of individuals eligible for relief is that they cannot cut off any United States citizen.[74] Citizenship is not, however, generally a requirement for social security benefits. Section 1 of the Annual Report of the Federal Security Agency for 1947, pp. 114–115, reads: [75]

Citizenship requirements.—The Social Security Act permits a State to require citizenship as a condition of eligibility for public assistance, although the State may, if it wishes, use Federal funds to help pay the cost of assistance to noncitizens. Only 1 State now requires citizenship as a condition of eligibility for aid to dependent children, but it is required for recipients of old-age assistance in 24 States and of aid to the blind in 6 States. It is the opinion of the Social Security Administration that assistance should be available to noncitizens who are needy and otherwise eligible for help, and that the Social Security Act should prohibit a State from including citizenship as a condition of eligibility for assistance in its State plan. The States, as well as the noncitizens, would benefit from this change since those who are needy must be cared for through general assistance, which is financed wholly by the States and localities. Often such aid is meager in comparison with categorical assistance.

The fact that citizenship is not a general requirement for social security benefits is probably the reason that there are no statistics available on aliens who are beneficiaries.

Nor was citizenship a requirement for assistance under the original WPA program. No distinction of any kind was made between aliens and citizens. In 1936, however, Congress wrote into the Emergency Relief Appropriation Act, a provision denying employment to those aliens illegally within the United States. By 1939, the law had been amended so that aliens were ineligible for relief under WPA, employment having been restricted to United States citizens, Indians, and others (such as Filipinos) owing allegiance to the United States. Nevertheless, aliens continued on relief rolls, but only estimates are available on the number.

2. ECONOMIC CYCLES AND IMMIGRATION

There is an apparent relation between economic cycles and the volume of immigration: In immigrant-receiving countries recent periods of depression were followed by a decrease in immigration.[76]

It is important to this study to attempt to evaluate the number of American citizens who are forced onto relief rolls as a result of being displaced by immigrants. According to a survey made in October 1935, by the International Labor Office at Geneva, there were 50 percent more persons out of work in America than in all Europe, while the number of jobless in Europe had declined from 8,400,000 to 7,400,000 in that year.[77] Laughlin [78] concluded that—

It would seem that European countries, by encouraging their surplus population to emigrate, tend to shift their burden and responsibility to other countries.

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[73] U. S. Federal Security Agency, Annual Report, 1946, sec. 6, p. 488.
[74] Social Security Act, as amended, March 1, 1947, sec. 2 (b).
[75] U. S. Federal Security Agency, Annual Report, 1947, sec. 1, pp. 114–115.
[76] Harry H. Laughlin, Conquest by Immigration, Chamber of Commerce of the State of New York (1939), p. 77.
[77] Harry H. Laughlin, op. cit., p. 83.
[78] Ibid.

According to the International Labor Office figures, unemployment reduction overseas balances immigrant influx into the United States. For instance, in 1934, Germany reduced unemployment by 671,897—Germans entering the United States since the close of the World War numbered 568,884. Similarly, Italy, in 1934, reemployed only 238,235 of her citizens, while from 1919 to 1935, 604,613 Italians arrived in the United States. In Great Britain, 188,614 persons were put back to work in 1934–35; since armistice, 171,801 immigrants from England, Scotland, Wales, and Northern Ireland entered the United States and 413,390 more came from Canada, Australia, and other British Dominions.

Now, though many aliens have become public charges here, their respective home countries in many cases refuse to readmit them because they have meanwhile expatriated themselves. Many countries deprive their nationals of citizenship when they emigrate with the intention of settling abroad. Such countries usually refuse to take them back, unless they are needed for military duty.

The burden of support of these persons is therefore thrown upon the individual States and localities.

3. THE UNITED STATES AS A WHOLE

During the fiscal year 1937–38, there were 585,877 recipients of old-age assistance accepted in all States (exclusive of Alaska and Hawaii, and of Virginia, which had no plan for old-age assistance in 1937–38, and including 152 recipients for whom information concerning nativity was unknown, which cases were omitted in computing the averages) of which 97.1 were listed as citizens and 2.9 were specified aliens.[79]

Of the total of nearly 600,000 recipients of old-age assistance, 491,403 (84.1 percent) were native-born and 92,823 (15.9 percent) were foreign-born white. The percentage of the total population 65 years and over was 74.6 native-born and 25.4 foreign-born white in 1930 and 77.2 percent native-born and 22.8 percent foreign-born white in 1940.[80]

Raymond G. Carroll, writing in the Saturday Evening Post of January 11, 1936, estimated that the United States had up to that time supported 3,000,000 aliens during the depression, at an annual cost of $400,000,000. During 1937 and 1938, this annual total was even greater.[81]

The grand total of 3,000,000 aliens on relief was based on information from various relief stations in the principal cities: New York, Detroit, Los Angeles, Cleveland, Pittsburgh, Seattle, Baltimore, Philadelphia, Minneapolis, Milwaukee, and others, plus estimates from State relief headquarters. According to the estimates, between 250,000 and 300,000 aliens have been (and still were in 1936) public charges in New York City. Detroit reported that in Wayne County, the relief rolls carried 63 percent native-born, 17 percent naturalized aliens, 10 percent foreign-born, and 10 percent aliens with first papers—approximately 25,000 aliens on relief, with an additional 75,000 dependent foreigners throughout the State of Michigan.

In Los Angeles, a survey made September 1935, showed that there were 12,808 alien charges, of whom 7,769 were Mexican alien families. Cleveland was caring for approximately 12,000 alien families (47,000 individuals). In Chicago, about 75,000 aliens were direct relief cases, plus members of alien families who were helped individually,

[79] Special Memorandum and Statistics, Immigration and Naturalization Service, November 9, 1943, table C.
[80] Ibid, table B.
[81] Harry H. Laughlin, Conquest by Immigration (1939), pp. 82 et seq.

a total of 300,000. It is estimated that in Detroit, Cleveland, and New York, one out of every five charges was of alien stock and, along the Mexican border, one out of two.[82]

Of the 66,000 employable persons being granted home relief in New York City in February 1941, approximately 25,000 were said to be aliens. In Massachusetts in March 1940, among a total of 37,566 employable workers granted relief and not employed by the WPA, 27.7 percent were reported aliens. In Los Angeles County, Calif., almost 28,000 presumably employable cases granted unemployment relief early in 1938 were estimated to include some 5,000 employable aliens.[83]

An official of the United States Immigration and Naturalization Service, speaking in favor of the erection of a boundary fence, along the California-Mexican border, made the statement:

> In justifying the expense of erecting this barricade, I think we should very strongly take into consideration the fact that such an enormous proportion of Mexicans become charitable cases within a short time or they end up in penitentiaries or jails. The tax burden is tremendous in this part of the country—way out of proportion to the minority from a population standpoint.

While the number of Mexicans on relief is relatively high, the number of alien Japanese on relief appears to be relatively low.

The census of 1940 showed that more than 7,600,000 persons of a total labor force of 52,800,000 were on emergency work or seeking work. This was 14.4 percent of the labor force. But only 0.08 percent of the alien Japanese labor force was in emergency relief work; only 936 or 2.8 percent were unemployed, compared with 9.6 percent of the total population. These figures are important, in view of the greater proportion of Japanese aliens in the labor force and the differences in the median ages of the two groups.[84]

Any over-all comparison of aliens, foreign-born and native-born, on relief cannot be made from available data. Statistics available on foreign-born on relief by nationalities and races and on relief cases confined to institutions, as well as statistics on other types of relief, are so meager and scattered as not to admit any conclusions.

The total institutional population of the United States 14 years old and over in 1940 was 1,176,993. Of this number, 991,457 (84.2 percent of total) were native-born citizens, while 185,536 (15.8 percent) foreign-born, 71,350 were naturalized citizens, 5,377 aliens having first papers, and 42,592 whose citizenship was unreported.[85]

In 1940, there were 245,026 persons in homes for the aged, infirm, or needy. Of this number 189,366 were native-born (77.3 percent of total) and 55,660 (22.7 percent) were foreign born; 28,163 were naturalized citizens, 1,697 aliens having first papers, 18,766 aliens having no papers; and 7,034 whose citizenship was unreported.[86]

In the same year, out of a total United States population of 131,669,275, there were 120,074,379 native-born (91.2 percent of total), and 7,280,265 foreign-born (8.8 percent). Thus it can be seen that while the foreign-born constituted only 8.8 percent of the total

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[82] Ibid.
[83] Donald S. Howard, The WPA and Federal Relief Policy, p. 311.
[84] Hearings before House Subcommittee on Immigration and Naturalization on H. R. 5004, 80th Cong., 2d sess., Serial 18, p. 102.
[85] U. S. Bureau of the Census, Census of 1940, Population, 1940, Special Report on Institutional Population.
[86] Ibid., table VI.

population in 1940, they constituted 15.8 percent of the institutional population and 22.7 percent of the population in homes for the aged, infirm, and needy.

At least for the year 1940, a greater proportion of the foreign-born was in institutions in the United States, and a greater proportion was in homes for the aged, infirm, and needy than were native-born. According to the 1940 census figures, the total of 11,594,896 aliens having no papers and foreign-born whose citizenship status was unknown or not reported, constituted the largest groups in the foreign-born institutional population and of the foreign-born in homes for the aged, infirm, and needy in comparison with their proportion to the whole population:

1. Naturalized citizens constituted 5.2 percent of the total United States population, 38.5 percent of the foreign-born institutional population, and 50.6 percent of the foreign-born population in homes for the aged, infirm, or needy.

2. Aliens having first papers constituted 0.7 percent of the total United States population, 2.9 percent of the foreign-born institutional population, and 3.0 percent of the foreign-born population in homes for the aged, infirm, and needy.

3. While, although aliens having no papers constituted only 1.9 percent of the total United States population, they constituted 35.7 percent of the foreign-born institutional population, and 33.7 of the foreign-born population in homes for the aged, infirm, and needy.

4. The group of foreign-born whose citizenship status was unknown or not reported made up 0.6 percent of the total United States population, 23.0 of the foreign-born institutional population, and 12.6 percent of the population in homes for the aged, infirm, and needy.

This is significant because this group of foreign-born (834,979) whose citizenship was unknown or not reported in the 1940 census may be presumed to be made up largely of aliens having no papers.

4. STATE RELIEF PROGRAMS

Because of the dearth of data on the subject, a comprehensive analysis of State relief programs with relation to nativity of persons on relief rolls cannot be made. The small amount of data available can give only a general impression of the situation in some of the States.

a. Connecticut

A survey was made by the State of Connecticut in 1935–36 of the inmates of 17 State institutions for defective, dependent, delinquent, and handicapped persons. Among the 9,715 inmates of these 17 State institutions, 5,107 or 52.57 percent were foreign-born or of foreign parentage and 994 were of mixed parentage. Thus, approximately one-half of the total expenditures for that purpose were spent for the care, maintenance, treatment, or punishment of foreign-born persons or persons of foreign-born parentage.[87]

b. Pennsylvania

Of a total number of 773,050 persons receiving general assistance in Pennsylvania on March 25, 1939, there were 729,919 (94.4 percent of

[87] Harry H. Laughlin, Conquest by Immigration, Chamber of Commerce of the State of New York (1939), p. 75.

total) citizens and 43,131 (5.6 percent) aliens. Of these, 23,607 were in families having alien heads, 14,200 were heads of families, and 9,407 were other members of families. There were 16,001 one-person cases, and 3,523 cases in families with a citizen head. There was a total number of 86,654 recipients of old-age assistance, 82,995 (95.8 percent) were citizens, while 3,659 (4.2 percent) were aliens.[88]

Of 1,310 aliens receiving general assistance in Pennsylvania in January 1947, 1 was under 35 years old, 31 were in the 35 to 44 age group, 215 were in the 45 to 54 age group, 1,053 were in the 55 to 64 age group, and 10 were 65 years old and over.[89]

c. California

In California, February 11, 1939, the percentage distribution of general assistance cases by citizenship was: [90]

Citizenship status	All persons	Heads of cases	Dependents in cases
Total [1]	100.0	100.0	100.0
Citizen	90.4	81.7	93.7
Alien	9.6	18.3	6.3

[1] Includes nationals of the United States. These constituted less than 0.5 percent.

d. New Jersey

The monthly average of persons receiving assistance in New Jersey from 1943 to 1946 is shown in the following table: [91]

Citizenship status	1943		1944		1945		1946	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Total	16,038	100.0	9,174	100.0	7,976	100.0	10,126	100.0
Citizens	13,013	81.1	8,110	88.4	7,357	92.2	9,611	94.9
Aliens	3,025	18.9	1,064	11.6	619	7.8	515	5.1

Source: Adapted from Summaries of General Assistance Activity for years 1943, 1944, 1945, and manuscript tables for 1946. New Jersey Department of Economic Development.

5. SUMMARY

In summary, it must be stated again that no over-all comparison of aliens, foreign-born, and native-born on relief can be made from available data. The reasons for more data not being available probably are—

1. Citizenship was not a requirement for relief under the original WPA program and many of the records and forms used made no provision for reporting the citizenship of workers and applicants; after 1939 when citizenship was a requirement for relief, there still was no thorough checking of citizenship status.

2. Citizenship is not now a general requirement for social-security benefits; the Federal legislation is permissive, allowing the individual

[88] Special Memorandum and Statistics from Immigration and Naturalization Service, November 9, 1948, tables E, G, and D.
[89] Ibid., table F.
[90] Ibid., table I.
[91] Ibid, table H.

States to determine who should come under it. Although all Federal social-security legislation includes the alien within its benefits, there are no statistics available as to how many aliens are beneficiaries.

H. Crime

1. INTRODUCTION

The question of the relationship between crime and immigration is, as an eminent sociologist stated, "a problem of first-rate importance from the point of view of a theory of criminality and of legislative and administrative policies." [92]

Evidences of concern over this aspect of immigration was apparent at the national convention of the Native American Party in 1845, at which certain immigrants were described as "utterly divested by ignorance or crime of the moral and intellectual requisites for political self-government." [93]

In this connection it is interesting to note a statement appearing in D. R. Taft's book on criminology that "perhaps no explanation of the apparent excess of crime in the United States has been more popular that that which attributes it to 'the damn' foreigner." [94]

In view of the prejudices involved and in view of the importance of the problem, it becomes necessary (1) to examine the compiled statistics and the statements of authorities and (2) to assess the values of these statistics and expressions objectively.

2. APPLICABLE LAW

It is not surprising that several laws have been enacted to exclude those aliens who are considered most apt by their records to commit crimes after their establishment in this country. Generally, these laws provide for the exclusion of aliens who have been convicted of or admit the commission of crimes classified as felonies or those involving moral turpitude, aliens who are polygamists, anarchists, or who advocate the overthrow by force of the United States Government or of all forms of law, or those who advocate the assassination of public officials or the unlawful destruction of property. Aliens who are involved in prostitution or importing women for that purpose and violators of narcotic laws are likewise excludible. Those offenses for which an alien may be excluded are also generally the offenses for which an alien may be deported. Thus, the United States maintains a continuing interest in the immigrant's behavior after his arrival in this country. If an immigrant is convicted of certain offenses within 5 years after entry or if he is convicted more than once of certain offenses at any time between entry and naturalization, he is subject to deportation.

3. RELIABILITY OF AVAILABLE STATISTICS

Before proceeding with the subject of crime and the immigrant, it is well to take note of the inherent limitations in the statistics available

[92] Sutherland, Edwin H., Principles of Criminology (1939), p. 123.
[93] Address of the Delegates of the Native American National Convention assembled at Philadelphia, July 4, 1845, to the citizens of the United States (pamphlet).
[94] D. R. Taft, Crimonology (1942), p. 102.

and of the resultant opinion which has been drawn from those statistics.

Due to the varying criminal laws of the several States and to the varying degrees in the severity of the penalties imposed for the violation of those laws, it is necessary in a general appraisal to establish some standard which might be used to differentiate between a "felony" and a "misdemeanor." The statistics of the Bureau of the Census referred to in this section, on prisoners in State and Federal prisons and reformatories are based partly upon a standard of length of sentence (any crime, the sentence for which was under 6 months, was considered a misdemeanor) and partly on the nature of the offense, such as disorderly conduct, drunkenness, or vagrancy.

Moreover, not all of the prisons, reformatories, and jails in the United States are included in the reports of the Bureau of the Census since some of them did not report, nor are the statistical periods of the same duration in all instances. For example, the enumeration of prison commitments in 1910 was for the year 1910, while the enumeration for 1923 was for the 6-month period from January 1, 1923, to June 30, 1923.

A controlled, completely accurate compilation of statistics on crime and the immigrant at the present cannot be made. This fact does not, however, preclude using the best evidence available, as long as the limitations are specified.

D. R. Taft noted the inadequacy of the figures on the immigrant and his participation in crime.[95] He pointed out that "if any reader feels such comparisons as are presented below are for these reasons invalid, the writer would not defend them except to say that the Census Bureau uses them, that reputable students have used them with caution, that they are presumably somewhat less faulty when corrected as we attempt to correct them." In this section an attempt has been made to correct commitment figures on the basis of age. A need for such a correction was pointed out as far back as 1923 by the Bureau of the Census: "The population of all ages would be decidedly misleading as a basis of comparison, in connection with statistics of color or race and nativity, because the foreign-born population comprises a much higher percentage of adults than the native population." [96]

There has been no attempt in this section to correct any commitment figure based on nationality or nativity for the relative urbanity of each classification. It has been pointed out in some articles on the subject that urbanity is a factor which contributes to crime. If immigrants of certain nationalities tend to settle in crowded urban areas where crime rates are higher this may be reason for the limitation of the quota allotted to such nationalities.

4. CRIMINALITY AND THE IMMIGRANT

a. Criminality of the foreign-born

In this section, data from the Bureau of the Census are presented on the criminality of the foreign-born for the years of the enumeration of prisoners and commitments for the years 1910, 1923, 1933, and 1940. These four enumerations were chosen to give a broader basis

[95] D. R. Taft, Nationality and Crime, American Sociological Review, 1:724-736, October 1936.
[96] U. S. Bureau of the Census, Prisoners: 1923 (1926), p. 57.

for the conclusions formed on the strength of the census figures. Data will be presented on the basis of commitments.

The population census of 1910 showed 91,972,266 persons in the United States of whom 13,515,886 were of foreign birth.[97] The native-born white population numbered 68,386,412 and the foreign-born whites 13,345,545, a ratio of about 5.1 to 1.

According to the Bureau of the Census, there were 493,934 commitments of prisoners and juvenile delinquents in 1910. Of these, 382,052 persons were classified as white, 253,929 native-born and 99,639 foreign-born. The remainder were white persons for whom no nativity was reported. Percentagewise, the native-born white population represented 74.4 percent and the foreign-born white 14.5 percent of the total population. Of the total commitments of prisoners and juvenile delinquents for the year 1910, 51.4 percent were native-born whites and 20.1 percent were foreign-born whites. While the native-born white outnumbered the foreign-born white 5.1 to 1 in total population in 1910, the ratio of commitments for that year was only 2.5 to 1. These figures are uncorrected for age.

The age bias in the uncorrected statistics is due to the fact that the ratio of young persons is considerably greater among the native-born than among the foreign-born. To correct for this factor, the under-15-age group was eliminated in the corrected figures.

The population of the United States over the age of 14 numbered 62,473,130 in 1910. Of these, 12,586,199 or 20.1 percent were foreign-born white and 43,429,263 or 69.5 percent were native-born white. Statistics show that 98,925 foreign-born white persons and 247,206 native-born white persons aged 15 or over were committed in 1910.[98] The native-born whites constituted 51 percent of the total while the foreign-born whites comprised 20.4 percent. The age-corrected population ratio is about 3.5 to 1 and the age-corrected commitment ratio remains unchanged at 2.5 to 1. Thus, while there were 3.5 native-born whites to 1 foreign-born white among the total population, only 2.5 native-born whites were committed to 1 foreign-born white, after correction has been made for age.

In a study of the criminal statistics of 1923, two things should be kept in mind. First, the comparison with population statistics is made on the basis of the census of 1920. Second, the commitments for 1923 were fully enumerated only for the first 6 months; the statistics for the rest of the year were estimates or, in some instances, were obtained with the aid of some reporting units that sent in additional statistics to cover the full year.

The total population of the United States in 1920 was 105,710,620. The total population 15 years of age and over was 72,098,178. The total white population in 1920 was 94,820,915 of whom 81,108,161 were native-born white and 13,712,754 were foreign-born white.[99] There were 51,823,903 native-born whites 15 years and over (71.8 percent of the total population 15 years and over) and 13,166,524

[97] U. S. Bureau of the Census, Census of 1940, Population, Characteristics of the Population, vol. II, pt. 1, table 4, p. 19.
[98] Bureau of the Census, Prisoners and Juvenile Delinquents in the United States: 1910 (1918), table 125, p. 119.
[99] U. S. Bureau of the Census, Census of 1910, Population Characteristics of the Population, vol. II, pt. 1, table 4, p. 19.

foreign-born white (18.2 percent of the total population 15 years and over). Native-born whites outnumbered the foreign-born whites (after age correction) by about 4 to 1.

In 1923 native-born white commitments totaled 194,179, foreign-born white, 66,990. Total commitments to prisons and jails of all races were 357,493.[1] The native-born white represent 54.4 percent of the total commitments while the foreign-born white represent 18.7 percent, a ratio of almost 3 to 1. Thus, the foreign-born did not contribute to crime to an extent materially above their proportion of the population in 1920, nevertheless they did represent a higher ratio of commitments per population represented than did the native-born white.

In the institutional census of 1933, there is, however, a noticeable change. The total population in 1930 (the nearest census year) was 122,775,046; of that total, 86,718,170 persons were over the age of 14.[2] The native-born white numbered 96,303,335 and the foreign-born white, 13,983,405 persons.[3] Of these the native-born whites totaled 64,659,995 persons 15 years of age and over (74.5 percent of the total population 15 and over), while the foreign-born white totaled 13,628,489 (15.7 percent of the total population 15 and over). The population ratio (native-born white to foreign-born white) was 4.7 to 1 in 1930. In the institutional census of 1933 the native-born white constituted 63.9 percent of the total commitments. The foreign-born white, in that year, constituted only 9.1 percent.[4] Using 1930 census figures, 74.5 percent of the population contributed 63.9 percent of the commitments in 1933, while 15.7 percent of the population contributed 9.1 percent of the commitments. Thus, the native-born exceeded the foreign-born white in the population 4.7 to 1 and in commitments by a ratio of 7 to 1. This result, of course, represents a wide departure from the results obtained for the years 1910 and 1923.

The statistics available for commitments in 1940 are not as broad in the scope of their coverage as were those of the three previous institutional censuses. The 1940 figures do not include the statistics for commitments to county and city jails,[5] which category embraced the larger number of the foreign-born white commitments in those years.

In 1940, 62,692 persons [6] were received as felony prisoners from the courts by the State and Federal prisons reporting (reports were not received from Georgia and Mississippi). Of these, 41,541 or 66.2 percent were native-born white and 2,717 or 4.3 percent were foreign-born white.

In 1940, the native-born white comprised 78.9 percent of the total population 15 years of age and over, while the foreign-born white comprised 11.4 percent.[7] In 1941, there were 56,023 felony prisoners committed to State and Federal prisons.[8] Of this number, the

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[1] U. S. Bureau of the Census, Prisoners: 1923 (1926) table 32, p. 62. See appendix V, table 1, p. 832.
[2] U. S. Bureau of the Census, Statistical Abstract of the United States, 1948, (69th ed.) (1948), table 24, p. 25.
[3] U. S. Bureau of the Census, Census of 1940, Population Characteristics of the Population, vol. II, table 4, p. 19.
[4] Percentages are based on figures obtained from the Bureau of the Census' booklets, Prisoners in State and Federal Prisons and Reformatories: 1933 (table 21, p. 23) and County and City Jails, 1933 (table 29, p. 33).
[5] The Bureau of the Census had planned to make an enumeration of such institutions, but due to the intervention of the Second World War was unable to do so.
[6] U. S. Bureau of the Census, "Prisoners in State and Federal Prisons and Reformatories: 1940" (1943), table 11, p. 18.
[7] Computed from U. S. Bureau of the Census booklet "Population, Second Series, Characteristics of the Population, U. S. Summary" (1943), table 7, p. 16.
[8] U. S. Bureau of the Census, "Prisoners in State and Federal Prisons and Reformatories: 1945" (1947) table 12, p. 23.

native-born white comprised 36,423, or 65 percent, and the foreign-born white represented 2,504, or 4.5 percent. The statistics for the years 1942 to 1946 are set forth in the following table which shows a decline in the ratio of commitments of the foreign-born white since 1942.

Felony prisoners received from court in Federal and State institutions, by race and nativity, for the United States: 1942 to 1946

Race and nativity	Number				
	1946	1945	1944	1943	1942
All classes	56,432	43,281	41,058	40,273	47,761
White	37,146	29,539	28,280	27,616	32,482
Native	35,333	27,825	26,584	25,888	30,179
Foreign-born	1,813	1,714	1,696	1,728	2,303
Negro	18,655	13,207	12,165	12,131	14,660
Other races	631	535	613	526	619

Source: U. S. Department of Commerce, Bureau of the Census, Prisoners in State and Federal Prisons and Reformatories, 1946, table 14, p. 27.

It is important to consider the question of crime in relation to the second generation of immigrants, the sons and daughters of the foreign born.

Alida C. Bowler,[9] research assistant of the University of Chicago stated that "practically every law-enforcement officer who was interviewed in the course of this study, whether he were a police officer, a prosecutor, a probation officer, or a judge, expressed the opinion that it was not the immigrants themselves but their sons that constituted the big crime problem at the present time. All were emphatic in that belief. Many of them analyzed the situation, quite sympathetically and with keen insight, as they saw it, after years of experience in dealing with particular cases. Generally they did not have statistics at hand in support of their belief."

Relatively few data are available on the parentage of those committed to prisons or jails. In the Bureau of the Census' volume Prisoners and Juvenile Delinquents in the United States, 1910, there is a two-page discussion on parentage of commitments of native white prisoners and juvenile delinquents. It is pointed out that while 27.6 percent, or more than one-fourth of the total native white population in 1910 were of foreign or mixed parentage, the proportion in the case of the prisoners and juvenile delinquents committed in 1910 whose parentage was reported was about one third, or 33.8 percent.[10] There are some additional data given in the Bureau's 1933 report on commitments to State and Federal prisons.[11] Of the 43,105 native white persons committed, 8,829 were of foreign or mixed parentage and 25,011 of native parentage. The remainder represented those whose parentage was not reported. There were 70,400,952 persons (63.8 percent) of native white parentage in the United States in 1930 and

[9] National Commission on Law Observance and Enforcement, Report on Crime and the Foreign-Born, Government Printing Office (1931), p. 157.
[10] U. S. Bureau of the Census, Prisoners and Juvenile Delinquents in the U. S.: 1910 (1918), p. 137.
[11] U. S. Bureau of the Census, Prisoners in State and Federal Prisons and Reformatories: 1933 (1935), p. 27.

25,902,383 (23.4 percent) of foreign or mixed parentage.[12] Native-born persons of native parentage comprised 58 percent of the native whites committed to State and Federal prisons, while those of foreign and mixed parentage comprised 20.4 percent.

b. Criminality of immigrants

Because of the paucity of statistical information on the subject, study of the criminality of the immigrant in relation to his progress toward citizenship must be limited to the fiscal years 1946, 1947, and 1948 and to prisoners received by Federal institutions.

In 1946, 14,832 prisoners were received in Federal institutions.[13] Of these, 1,586 were aliens without any citizenship papers, 14 were aliens who had taken out first papers, and 244 were naturalized citizens. In that year, aliens comprised 10.7 percent of the total prisoners received by Federal institutions. Violations of the Federal immigration laws constituted by far the greatest portion of the alien commitments, 1,162 offenders (73.2 percent) out of the total of 1,586.

In 1947, the number of prisoners received in Federal institutions was 14,812. Of these 2,046 or 13.8 percent were aliens. Violations of the immigration laws accounted for the commitment of 1,617 persons or 79 percent of the total aliens to Federal institutions.

The percentage of alien prisoners received in Federal institutions in the fiscal year 1948 remained the same as it was in 1947—13.8 percent (total 1,778)—even though the total number of prisoners received was smaller (12,845). In 1948, 1,424 aliens (80 percent) were committed for violation of the immigration laws.

5. CRIMINALITY BY NATIONALITY

In a discussion of the immigrant in relation to crime, it is important to discuss the role of particular nationalities. As pointed out by D. R. Taft, "low crime rates for the foreign-born as a whole obscure the reality of very high rates for particular nationalities and of extremely favorable rates for others." [14] Since the immigration laws allocate quotas by nationalities, the possible criminal tendency of any particular group is an important factor in an appraisal of our immigration system.

The discussion of nationalities is limited to foreign-born white persons. The reasons for this are that (1) the census of 1910 listed only three races (white, Negro, and other colored) so that a breakdown into Japanese and Chinese could not be made, (2) the census of 1920 joined the totals for Chinese and Japanese, and (3) the number of commitments of foreign-born Chinese, Japanese, and Negroes is a very small portion of the total.

This discussion of nationalities covers the institutional census years of 1910, 1923, and 1933, and includes the number of persons committed to prisons (State and Federal) and jails (county and city). A discussion of commitments of felony prisoners to State and Federal prisons for the years 1940, 1945, and 1946, follows. The statistics for 1923 and 1933 show commitments for only 6-month periods (January 1 to June 30).

[12] U. S. Bureau of the Census, Statistical Abstract of the U. S., 1948 (69th ed.) (1948), table 36, p. 37.
[13] Statistics used here were obtained from the Federal Bureau of Prisons. See appendix V, tables 2 and 3, p. 832.
[14] D. R. Taft, Criminology (1942), p. 113.

In 1910, a total of 99,639 foreign-born white prisoners and juvenile delinquents were committed to penal institutions. More than half of these came from the following countries: Ireland (26,819), Germany (8,860), Canada (7,956), Italy (7,082), England and Wales (6,975), and Austria (6,932).[15] A comparison such as this would be unfair unless it were related to each nationality's portion of our population. When this ratio is computed, the foreign-born from Mexico are shown to rank first, with a total of 2,336.2 commitments per 100,000 white persons born in Mexico, those from Ireland rank second, with a ratio of 1,983.4 per 100,000 population.[16] The other countries in the top five, after correction, are Scotland (1,196 per 100,000), Austria (819.9 per 100,000), and England and Wales (727.4 per 100,000).

From January 1 to June 30, 1923, 31,054 foreign-born white persons were committed to penal institutions in the United States,[17] of this total, persons born in Ireland accounted for 4,209 commitments, the Russian-born were next with 3,251 commitments, then followed the Italian-born (3,250), the Polish-born (3,133),[18] and the Mexican-born (2,932).[19]

When the population statistics for 1920 are utilized, persons born in Finland are shown to rank first, with 697.5 commitments per 100,000 population, Mexico, second (612.9), Ireland (405.8), Austria (317.7), and Greece (296.1) commitments per 100,000 population.[20] Foreign-born persons from 11 countries showed more than 226.5 commitments per 100,000 population present.

In 1933, 27,880 foreign-born white persons were committed to prisons and jails.[21] Those foreign-born from Mexico had the largest number of commitments with a total of 5,021. The foreign-born from Italy had 3,921; those from Poland 3,911; Russia, 3,063; and Ireland, 2,749. It may again be seen that persons born in five countries contributed more than one-half of the total commitments for the 6-month period covered.

In all three enumerations, not corrected by considering the population ratio, the foreign-born from two countries, Ireland and Italy, were among the top five of the foreign-born groups in the number of commitments.

In computing the population ratios for 1930, special attention must be given to the foreign-born whites of Mexico. In 1910, 1923, and 1940, all Mexican residents of the United States who were born in Mexico were included in the totals for all foreign-born whites.

In the population census of 1930, and the prisons and jails census in 1933, only white Mexicans born in Mexico were listed as Mexicans. Thus, for purposes of comparison, the term "Mexican-born" did not, as used in the 1930 census, correspond with the term "native-born" as applied to those whites of our population born in other countries.

The total for Mexican-born persons in both census categories in 1930 was 4,222 commitments to county and city jails. In addition, to make the figures comparable with those for previous years, the total

[15] See appendix V, table 4, p. 832.
[16] U. S. Bureau of the Census, Prisoners and Juvenile Delinquents in the United States 1910 (1918), table 141, p. 131.
[17] U. S. Bureau of the Census, Prisoners: 1923, (1926) table 57, p. 96.
[18] It is to be remembered at the time of the previous enumeration, Poland was not an independent nation.
[19] For information on other nationalities see appendix V, table 5, p. 835.
[20] U. S. Bureau of the Census Prisoners, 1923 (1926), p. 93.
[21] The figures making up this total were secured from data published by the Bureau of the Census and may be found in appendix V, tables 6 and 7, in which the sources are given. Figures for city and county jails are for the 6-month period Jan. 1-June 30 only.

commitments to State and Federal prisons must be added.[22] The resultant figure is 5,021 commitments. Using this final total, the commitment ratio of Mexican foreign-born is 785.7 per 100,000 of their population in the United States. Next in order are the foreign-born of Austria, with a ratio of 509.0 per 100,000, Finland wi+ 487.0, Greece with 448.0, and Spain with 379.4.

For the three periods under discussion, the foreign-born from Mexico and Austria were consistently among the leading five countries of origin by commitment ratios.

In the years 1940, 1945, and 1946, only the statistics on commitments for felonies are used. The foreign-born from Mexico had the highest ratio of felony commitments in all 3 years. In 1940, the foreign-born from Greece were second, but in 1945 and 1946, they ranked third. Canadians were third highest in 1940, and second in 1945 and 1946. The foreign-born from Italy were fourth in 1940 fifth in 1945, and sixth in 1946.[23]

The ratios for 1940, 1945, and 1946 suggest that some of the foreign-born groups had high commitment ratios in 1910, 1923, and 1933, when the statistics for jail commitments were included, because of commitments for crimes of a lesser degree. Notable among these groups were the foreign-born from Ireland. This fact warrants an analysis of the types of crimes committed.

6. TYPES OF OFFENSES

a. By nationality

While almost all crimes are serious as far as society is concerned, some crimes are more serious than others. For the purposes of this report, crimes were divided into three categories, namely, (1) crimes of violence, (2) crimes for gain, and (3) other offenses.[24] Included in the category "other offenses" are drunkenness, violation of drug laws, violation of liquor laws, immigration offenses, sex offenses other than rape and similar crimes. Robbery was included as a crime for gain even though it may involve some violence.

No attempt is made in this report to compare the number of crimes committed in one given period to the number committed in another period, because census reports are for different time periods. Only the groups that accounted for the highest number of commitments in each category are listed for each period.

In 1910, commitments for crimes of violence category totaled 5,400.[25] The Italian-born accounted for the largest portion, with nearly double that of any other foreign-born group in commitments for assaults, as well as the highest number of commitments for homicidal crimes and rape. The Austrian-born were next in order.

In the second category, crimes for gain, the German-born had the greatest number of commitments, while the Irish-born and the Italian-born ranked second and third, respectively. The foreign-born from Italy had the largest total of commitments for robbery and

[22] U. S. Bureau of the Census, County and City Jails, 1933 (1935), tables 25 and 27, pp. 37 and 39; U. S. Bureau of the Census, Prisoners in State and Federal Prisons and Reformatories; 1933 (1935), tables 24 and 25, pp. 27 and 29. The figure added to the county and city jail statistics on the Mexican-born was gained by applying the ratio between native- and foreign-born Mexicans as shown in the county and city jail booklet (table 27) to the number of Mexican-born admitted to State and Federal prisons (table 24) and adding the number of persons listed in the State and Federal prisons booklet as foreign-born white Mexicans.

[23] For detailed statistics on this entire period, see appendix V, table 8, p. 838.

[24] Crimes of violence include homicide, assault, and rape. Crimes for gain include robbery, burglary larceny, fraud, and forgery.

[25] See appendix V, table 4, p. 834.

burglary, those from Ireland had the highest total for larceny, and the foreign-born from Germany led all others in the number of commitments for forgery.

In the third category, "other offenses," most of the commitments were for drunkenness and the foreign-born from Ireland far outdistanced others in that offense. Ireland also ranked first in commitments for prostitution and vagrancy and the Italians in commitments for violation of liquor laws.

When the 1910 figures are computed on the basis of commitments per 100,000 foreign-born white population, the Mexican-born showed the largest commitment ratio in all crimes listed except robbery, rape, prostitution, drunkenness, and vagrancy. The foreign-born from Italy had the highest commitment rate in robbery and rape, while the Irish led in commitments for drunkenness and vagrancy.

In 1923, commitments were measured only for the first 6 months. The Italian-born led all other foreign-born groups [26] in commitments for crimes of violence, having the greatest number of commitments in homicide, rape, and assault. The Mexican-born ranked second in commitments for homicide and rape, but the Polish-born ranked second in commitments for assault.

In crimes for gain, the Mexican-born led all others for both burglary and larceny. The Italian-born had, however, a greater number of commitments for robbery.

The foreign-born from Ireland again led in commitments in the third category ("other offenses"), chiefly because of commitments for drunkenness and disorderly conduct. The foreign-born from Mexico led in commitments for prostitution and violation of the drug laws, and the foreign-born from Italy led in the number of commitments for the violation of liquor laws.

On the basis of commitments per 100,000 foreign-born white population, the results are somewhat changed. In crimes of violence, the foreign-born from Greece had the highest commitment ratio for homicides, while the foreign-born from Mexico had the largest ratio for rape and assault. In the category of crimes for gain, the foreign-born from Mexico led, with the highest rate for the crimes of robbery, burglary, and larceny. Mexican-born also led in the "other offenses" category, with the top commitment rates for violation of drug laws, violation of liquor laws, and prostitution. The Finnish-born had the highest commitment rate for drunkenness, but the Irish-born had the highest rate for disorderly conduct.

In 1933, the same difficulty regarding the statistics on the Mexican-born is present that existed regarding the statistics on the Mexican-born with reference to criminality by nationality.[27] Although in that analysis a ratio was utilized to determine the number of Mexican-born prisoners committed on a standard comparable to that used in the other years considered, such a ratio would be of little avail here since the ratio could not purport to be accurate in a detailed division of crimes involved. For this reason, a consideration of the Mexican-born in 1933 is omitted in the consideration of the types of crimes committed. The consideration of the commitments for crimes in 1933 is further limited to State and Federal prisons.

[26] See appendix V, Table 5, p. 835.
[27] See p. 185.

The Italian-born led the other foreign-born groups in commitments for crimes of violence in 1933, for homicides, assault, and rape, as well as in the number of commitments to State and Federal prisons in crimes for gain, such as robbery and forgery. The Canadian-born led in the number of commitments for larceny, burglary, embezzlement, and fraud. In "other offenses" (not including drunkenness this time) the Italian-born were first, in violation of drug laws and violation of liquor laws. The Canadian-born had the largest total of commitments for sex offenses other than rape.

Using commitment ratios, the foreign-born from Italy led the other foreign groups in the crimes of homicide and assault. The foreign-born from Greece led in crimes of violence, namely, the crime of rape. In crimes for gain the foreign-born from Greece had the highest commitment rate for robbery, the foreign-born from Spain had the highest rate for burglary and larceny, and the Canadian-born led in embezzlement and fraud. In the "other offenses" category, the foreign-born from Greece had the highest commitment rate in the violation of liquor laws and other sex offenses (other than rape), and the foreign-born from Spain had the highest commitment rate for violation of the drug laws.

The reports of the Bureau of Census on Prisoners for 1940, 1945, and 1946 do not show the types of crimes committed by nationalities, so that those years are necessarily excluded from this portion of this report.

b. By nativity

In the examination of the relative number of crimes committed by the native-born white and the foreign-born white population, no mention was made of the types of crimes committed. Commitments according to offense can be discussed for the years 1910, 1923, and 1933, but for 1940, 1945, and 1946 only the number of male felony commitments can be used.

The foreign-born white in 1910 contributed about one out of every seven persons in the total population. Their rate of commitments exceeded their population ratio in crimes of assault, larceny, fraud, rape, prostitution, drunkenness, and violation of the liquor laws. Foreign-born white commitments were less than their proportion in the crimes of homicide, robbery, burglary, and forgery.[28]

In 1920, the foreign-born white constituted about 1 out of every 7.5 persons of the population. They exceeded their proportion in commitments in 1923 for the crimes of assault, rape, drunkenness, and violation of the liquor laws, but were under their proportion in commitments for homicide, robbery, burglary, larceny, fraud, forgery, and prostitution.

In 1930, the foreign-born white constituted about 1 out of every 8.8 persons, and they did not exceed their proportion in commitments in 1933 for any of the crimes listed.

A further comparison has been made between the foreign-born white and the native-born white. In 1910, the native-born white outnumbered the foreign-born white by a ratio of 3.5 to 1.[29] The foreign-born white exceeded this ratio in commitments for the crimes of homicide, assault, larceny, rape, drunkenness, and violation of the liquor

[28] These figures are not adjusted for age.
[29] Age-corrected ratio was used in this comparison.

laws in 1910, but had less than that ratio in robbery, burglary, fraud, forgery, and prostitution.

In 1920 the age-corrected ratio between the native-born white and the foreign-born white was 4 to 1. The foreign-born exceeded that ratio in commitments in 1923 for the crimes of homicide, assault, rape, drunkenness, and violation of the liquor laws, but showed less than their proportion in commitments for robbery, burglarly, larceny, fraud, forgery, and prostitution.[30]

In 1930 the population ratio was 4.7 native-born white persons to 1 foreign-born. The foreign-born had less than their proportion in all of the types of crimes listed in 1933.

In 1940, 1945, and 1946 the foreign-born whites did not exceed their proportion of the total population (as enumerated in the 1940 census) in any category of crime. Similarly, they contributed less than their proportion in a comparison with native-born white persons, except for the crime of homicide in 1940.

In any discussion of criminality among the foreign-born, it is especially important to take into consideration the proportion of cases in which the offense is a violation of the immigration laws. Obviously, such offenses can, in general, be committed only by persons of foreign origin. Adequate statistics in this field are, however, available only for the years 1946, 1947, and 1948. A proper evaluation of these offenses in relation to the whole picture of criminality among the foreign-born is not possible, since commitment statistics are available only for 1946, and these only for felonies, whereas violations of the immigration laws are not defined as either misdemeanors or felonies. The figures for aliens committed for violation of the immigration laws must, therefore, be given by themselves as a general guide to their relation to the problem under discussion. This information is included in appendix V, table 2, page 832.

7. CRIMINALITY BY AREAS OF ORIGIN

Because areas of origin often are a significant consideration in a discussion of immigration policy, it is important to analyze criminality, not only by specific countries of origin, but by general areas of origin, as well. For purposes of this study, five area divisions are used: (1) Northwestern Europe (Great Britain, Ireland, Norway, Sweden, Denmark, the Netherlands, Belgium, Switzerland, France, and Germany), (2) southern Europe (Greece, Italy, Portugal, and Spain), (3) eastern Europe (Russia, Lithuania, Finland, and Rumania), (4) central Europe (Poland, Czechoslovakia, Austria, Hungary, and Yugoslavia), and (5) the Americas. Appropriate statistical material on commitments for crimes to both jails and prisons are available only for the years 1910, 1923, and 1930. In some cases certain countries within an area are omitted, because of the lack of data.

In 1910, out of the 6,375,940 persons in the United States who were born in the northwestern Europe area, 54,567 persons were committed to penal institutions, a commitment rate of 855.8 per 100,000. The foreign-born from the Netherlands and from Belgium were not included, because of lack of statistics. The only foreign-born group from southern Europe for which statistics are available were the Italians, who totaled 1,343,070 persons. Of this number, 7,082 were

[30] See appendix V, table 3, p. 835.

committed to prisons and jails, a ratio of 527.3 commitments per 100,000 persons present.

The foreign-born from Russia were the only east Europeans for whom statistics were available in 1910. Russian-born persons numbered 1,184,382, and of that number 5,610 were committed, a ratio of 473.7 per 100,000 population present.

Among central Europeans statistics for foreign-born from Czechoslovakia and Yugoslavia are lacking. Statistics on foreign-born from Poland were compiled by including persons born in Austria, Germany, and Russia who reported Polish as their mother tongue. The foreign-born from the central Europe area numbered 2,278,990 persons. Of that total, 14,272 persons were committed to prisons and jails, a ratio of 626.2 per 100,000.

The 1910 statistics for the foreign-born from the Americas area are limited to natives of Canada and Mexico. Foreign-born from these two countries totaled 1,415,872, and commitments for the foreign-born from the same two countries numbered 13,091, a rate of 924.5 persons committed per 100,000 population present.

The high commitment rate for natives of the Americas was due primarily to the high proportion of Mexican-born (2,336.2 commitments per 100,000 population). The second highest rate was shown by foreign-born from the northwestern Europe area, due mainly to the high commitment ratios of the Irish-born and the Scottish-born.

In considering the commitment ratio for 1923, it is necessary to utilize the population census of 1920. Furthermore, statistics on commitments are available only for the first 6 months of 1923, which will produce lower commitment ratios, so that no comparison should be made with the 1910 ratios.

The foreign-born from the northwestern Europe area contributed 10,664 commitments from a total population of 5,502,393, a ratio of 193.8 commitments per 100,000. Natives of all of the countries named in that area were represented in the enumeration.

The foreign-born from the southern Europe area (excluding natives of Spain) represented a total of 1,853,534 persons in the United States in 1920. The commitment total of this group was 3,863 for the first 6 months of 1923, a commitment ratio of 208.5 per 100,000 population present.

The foreign-born from the eastern Europe areas numbered 1,788,204 persons in 1920 and numbered 4,731 in commitments for the 6-month period in 1923, a ratio of 264.5 persons per 100,000 population. Natives of all of the countries listed for the eastern Europe area were included in the statistics for 1923.

The foreign-born from all of the countries of the central Europe area accounted for 6,410 commitments in enumeration of 1923. The population total of that group in 1920 was 2,644,758 persons, a ratio of 242.4 commitments per 100,000.

In 1923 there were still no figures available for the Central and South American countries so the foreign-born from the Americas area again was composed of natives of Mexico and Canada. In 1920, persons born in those two countries totaled 1,596,261 and 4,658 persons were committed in 6 months of 1923, a rate of 291.8 commitments per 100,000 population.

The highest commitment rate for 1923 again is that of the foreign-born from the Americas with the Mexican-born chiefly responsible

for this, their ratio being 612.9 per 100,000 population, while the commitment ratio of the Canadian-born was only 154.5. Second were the foreign-born from eastern Europe, because of the high commitment ratio of the Finnish-born.

The period used here in the 1933 count is not identical to the corresponding periods of either 1910 or 1923, since commitments for county and city jails were taken only for the first 6 months, while the commitment totals for the State and Federal prisons were taken for the full year of 1933. The population figures used are, of course, those which were taken in the 1930 census, and were corrected for age by including only persons over 15 years of age.

The foreign-born from the northwestern Europe area had a 1933 commitment ratio of 152 per 100,000 population, based on a population of 5,048,479, and a commitment total of 7,674. Natives of Switzerland were not included here because of the lack of available statistics.

The foreign-born from southern Europe had a population of 1,979,459 and 4,927 commitments, a ratio of 248.4 per 100,000. No statistics were available for the foreign-born from Portugal.

The commitment ratio of the foreign-born from the eastern Europe area was 303.7 commitments per 100,000 population in 1933, based on a total population of 1,479,325 and a commitment total of 4,492.

In 1930 persons in the United States 15 years of age and over, who were born in central Europe, numbered 2,590,625. Of this total 7,172 persons were committed to penal institutions in 1933, a ratio of 276.9 commitments per 100,000 population present.

The total population in 1930 of the foreign-born from the Americas area was 1,849,233, and commitments in 1933 numbered 7,185, a ratio of 388.5 commitments to prisons and jails per 100,000 population present. Natives of Central and South America were included in this tabulation.

Thus, in 1933, persons born in the Americas again had the highest commitment ratio, due in a large measure to the relatively high commitment ratio of the Mexican-born. Natives of eastern Europe were second, due largely to the high commitment ratio of the Finnish-born.

All of these statistics should be considered in the light of our present quota allotments as an index of the relative assimilation of each group. In each of the three periods used here a different number of immigrants were admissible to the United States. In 1910, there was no quota system. In 1923, the quota was 3 percent of the number of each nationality resident in the continental United States as determined by the census of 1910. The national origins clause of the 1924 act provided that the quota of any nationality be computed on the basis of the 1920 census.[31]

Under our present quota laws, the countries included in the northwestern Europe area are allotted annual quotas aggregating 125,853 or 81.8 percent of the total allotment of 153,929. The foreign-born from this area numbered 54,567 commitments out of a total of 99,639 (54.7 percent) in 1910; 10,664 commitments out of a total of 31,054 in the first 6 months of 1923 (31.1 percent); and 7,674 (23.4 percent) commitments out of a total of 32,670 in 1933.

[31] For the exact method of computing quotas after 1924, see p. 64.

The countries of southern Europe area have quota allotments totaling 6,801, about 4.4 percent of the total quota. The foreign-born from this area (with the listed exclusions for some years) contributed 7,082 commitments out of a total of 99,639 for all groups in 1910 (7.1 percent). Their commitments for 1923 were 3,863 (12.4 percent) out of an aggregate of 31,054 commitments. In 1933, the foreign-born from southern Europe had 4,927 commitments (15 percent) while the total number of commitments of the foreign-born was 32,670.

The foreign-born from eastern Europe have a total quota of 4,044 or 2.5 percent of the total quota allotment. Commitments for 1910 numbered 5,610 or 5.6 percent (only the foreign-born from Russia were included), while the total for all foreign-born was 99,639. In 1923, their commitments were 4,731 (15.1 percent) out of the over-all total of 31,054. In 1933, they showed 4,492 commitments out of an over-all total of 32,670 (13.8 percent).

The foreign-born from the central Europe area are allotted a quota of 12,525 (8.1 percent of the total quota). The commitments of the foreign-born from central Europe, as compared to total commitments of the foreign-born were as follows:

	Commitments of foreign-born from central Europe	Total commitments	Percent of total
1910	14,272	99,639	14.2
1923	6,410	31,054	20.6
1933	7,172	32,670	21.9

The foreign-born from the Americas area who, of course, have no quota allotment, accounted for 13,091 (13.1 percent) commitments out of a total of 99,639 commitments in 1910; 4,658 (14.8 percent) commitments out of a total of 31,054 commitments in 1923; and 7,185 (21.9 percent) commitments out of a total of 32,670 commitments in 1933.

The following table summarizes the percentage of commitments for natives of the designated five areas over the period under study:[32]

Area of birth	Percent of total	Commitments, percent of total		
		1910	1923	1933
Northwestern European	81.8	54.7	31.1	23.4
Southern European	4.4	7.1	12.4	15.0
Eastern European	2.5	5.6	15.1	13.8
Central European	8.1	14.2	20.6	21.9
Americas	.....	13.1	14.8	21.9
Total [1]	96.8	94.7	94.0	96.0

[1] For a more comprehensive compilation, see appendix V, table 9, p. 838.

[32] Differences between 100 percent and the totals listed are represented by the foreign-born from those countries not specifically enumerated in each commitment survey.

8. SUMMARY

The evidence presented in this section on the criminality of the foreign-born inhabitants of the United States supports the following conclusions:

1. Considered over a span of years, the foreign-born do not commit an amount of crime disproportionate to their part of the total population.

2. While in the earlier years considered in this report the foreign-born white exceeded the native-born white proportionately in the number of commitments, this has not been the case since 1930.

Other studies similar to this have resulted in stronger conclusions in favor of the foreign-born. Alida C. Bowler in the Wickersham committee's report concluded that—

> in proportion to their respective numbers, the foreign-born commit considerably fewer crimes than the native-born.[33]

D. R. Taft reached the same conclusion, stating:

> Immigrants as a whole are, however, much less criminal than natives as a whole.[34]

3. The foreign-born whites are not guilty of committing the more serious crimes as has sometimes been popularly supposed. This has been more noticeably true since 1930.

This conclusion is also supported by Fred E. Haynes, who observes:

> These results suggest that the native-born commit more serious crimes than the foreign-born—a conclusion contrary to the public opinion that foreigners commit more serious crimes, even if they do not engage in crime more frequently.[35]

It should be pointed out, however, that, as observed by Miss Bowler, the foreign-born white do approach the native-born white closely in the case of crimes of personal violence, but in crimes for gain, the native-born white greatly exceed the foreign-born.

4. More significant differences in crime ratio exist between different foreign-born groups than exist between the native-born and foreign-born.[36] Some foreign-born groups are committed for serious offenses more frequently than other foreign-born groups. Notable among these are the Mexican-born and the Italian-born.

5. An accurate statement on the relative criminality of second-generation Americans cannot be made because of the lack of statistics.

6. While the violation of immigration laws would affect the number of commitments of foreign-born when commitments for misdemeanors (as herein defined) are considered, the exact amount of the effect is, at the present time, impossible to assess.

I. Mental Afflictions

1. INTRODUCTION

Statistics on persons with mental disease or deficiency have been gathered by the Bureau of the Census since 1840. The early enumerations are, however, incomplete and the first census which is considered to be reasonably accurate is that of 1880.

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[33] National Commission on Law Observance and Enforcement, Report on Crime and the Foreign-born (1931), p. 195.
[34] D. R. Taft, Criminology (1942), p. 116.
[35] Fred E. Haynes, Criminology (1935), p. 82.
[36] D. R. Taft, Criminology (1942), p. 106.

In 1880, 40,942 mental patients were found in hospitals and a total of 51,017 such patients were counted outside of institutions, a total of 91,959 cases or a ratio of 183.3 per 100,000 of the population. Ten years later, the mental patients in institutions increased to 74,028, but, because physicians were not asked to cooperate as they had been in 1880, only 32,457 mental cases outside of hospitals were found. This added to a total of 106,485 mental patients, a rate of 170 per 100,000.

Beginning in 1904, the censuses of mental patients were limited to those in hospitals. Nonetheless, the number of such patients were found to be 150,151 in that year, a rate of 183.6 per 100,000.

In 1923, the mental patients in institutions rose to 187,791 (204.2 per 100,000) and 267,617 (245 per 100,000). In December 1936, there were 432,131 mental patients in institutions, an estimated rate of 335.3 per 100,000 population.

By the end of 1946, there were more than one-half million patients in the 575 mental hospitals, and in 1947 there were 651,578 patients in 585 institutions. It must be remembered that the hospital population would increase even though there were no increase in the rate of mental applicants since the discharge rate of patients is lower than the rate of entry. Furthermore, the apparently tremendous increase in the number of mental patients must be considered in light of the fact that the attitude of society and methods of treatment have changed drastically since the 1880 census. Nonetheless, it is apparent, as pointed out in the 1904 census report that—

> from whatever point the matter is viewed, the census returns since 1880 permit but one conclusion, namely, that the rate of increase is greater for the insane in the United States than it is for the general population.

What is true of the Nation at large applies in equal degree to those States in which policies with respect to provision for the hospital treatment of patients with mental disease have changed over long intervals. Obviously, in States where this is true, the rates of mental disease derived from institutional population are, at best, only approximations of the true incidence, and, in addition, the degree of approximation cannot be gaged accurately from year to year.[37]

2. EXCLUSION AND EXPULSION OF ALIENS WITH MENTAL DEFECTS

The first legislation restricting the immigration of aliens because of mental defects was the act of March 3, 1875.[38] This restriction was broadened by the act of March 26, 1910,[39] which provided a greater latitude for the exclusion of idiots and insane persons. The act of February 5, 1917,[40] provided still broader exclusion provisions including idiots, imbeciles, feeble-minded, epileptics, insane persons, as well as those who have had more than one attack of insanity at any time, and persons of constitutional psychopathic inferiority.

From 1939 to 1948, only 8 idiots and imbeciles, 52 feeble-minded, and 197 who were insane or had been insane were excluded.[41] During this same period, 59 epileptics and 117 persons with constitutional psycopathic inferiority were also excluded. There were 89 exclusions

[37] Benjamin Malzberg, Social and Biological Aspects of Mental Disease (1940).
[38] 18 Stat. 477.
[39] 36 Stat. 263.
[40] 39 Stat. 874.
[41] U. S. Immigration and Naturalization Service, Annual Report, 1948, table 20.

of persons on surgeons' certificates for mental defects other than mentioned. The nationality of these is not given, and it is not known whether any of the mental defectives are included in the 4,034 classified as likely to become public charges or 96 in the pauper, professional beggar, or vagrant classifications. It is generally assumed that the majority of these aliens were Canadian and Mexican nationals, seeking entry temporarily for medical treatment.[42]

During the fiscal year ended June 30, 1948, there were 105 aliens deported from the United States because of mental or physical defects, but the figures presented by the Immigration and Naturalization Service [43] do not indicate the number of mental cases included in the total.[44]

3. PERSONS DEPORTED TO THE UNITED STATES BECAUSE OF MENTAL OR PHYSICAL DEFECTS

In the fiscal year ended June 30, 1948, 14 persons were deported to the United States because of mental or physical defects, but the figures do not indicate the number in each group. Of the total, 6 were in the St. Albans district, 3 were in the Buffalo district, 3 in the Chicago district, and 2 in the San Antonio district.[45]

4. RESIDENT PATIENTS IN PERMANENT-CARE HOSPITALS, 1937 TO 1946

The number of resident patients in all permanent-care hospitals for psychiatric patients per 100,000 of the total population increased from 345.5 at the end of 1937 to 382.4 at the end of 1946. In 1937, 1938, and 1939 the annual percentage increase in this rate ranged between 2 and 3 percent. In 1940 and 1941, the annual percentage increase in hospitalization rate was about 1 percent, and in 1942, it increased less than 0.5 percent. In 1943 and 1944, the hospitalization rate (366.7) was actually less than it had been in 1942 (369.8). For 1945 and 1946, an annual increase approaching those of the prewar years had, however, reappeared.[46]

These trends are of particular interest since they cover both a normal period before the war, the war years, and the first full postwar year.

5. FIRST ADMISSIONS TO ALL PERMANENT-CARE HOSPITALS

a. General

The number of first admissions to hospitals for the permanent care of psychiatric patients rose from 110,082 to 153,025 during the years between 1937 and 1946, an increase of 39 percent. The increase in the rate from 85.5 in 1937 to 110.6 in 1946 was 25.1 per 100,000 of the population. This increase began in 1943, but the major part of it occurred in 1944, 1945, and 1946. Prior to 1943, the changes in the first admission rate were relatively small. The highest rate in this period (85.5) occurred in 1937 and the lowest (83) in 1940.

[42] For a year-by-year break-down from 1939 to 1948, see appendix VI, table 1, p. 839.
[43] U. S. Immigration and Naturalization Service, Annual Report, 1948, table 24.
[44] For a break-down by countries of origin, see appendix VI, table 2, p. 839.
[45] U. S. Immigration and Naturalization Service, Annual Report, 1948, table 27.
[46] U. S. Bureau of the Census, Patients in Mental Hospitals (1946), p. 11. For a detailed annual break-down see appendix VI, table 3, p. 11.

b. Veterans' hospitals

In 1942 there were 6,280 first admissions to veterans' hospitals. The sharp upswing in the first admission rate which began in 1943 was, in its initial phase, in large part the result of increases in the first admissions to veterans' hospitals. By 1945 and 1946, the increase for veterans' hospitals was supplemented by substantial increases for private hospitals, and, in 1946, further supplemented by an increase in first admissions to State hospitals.[47]

c. State hospitals

The number of first admissions to State hospitals for mental disease in the United States increased gradually from 52,793 in 1926 to 72,438 in 1935, an increased rate per 100,000 general population of 45.3 to 56.8, as follows: [48]

Year	Number of first admissions	Rate per 100,000 general population	Year	Number of first admissions	Rate per 100,000 general population
1926	52,793	45.3	1931	67,152	54.1
1927	56,288	47.6	1932	67,083	53.7
1928	59,417	49.6	1933	69,368	55.2
1929	60,500	49.8	1934	69,934	55.2
1930	62,738	51.0	1935	72,438	56.8

It is evident that since 1926 there has been an increase in the rate of first admissions. The average rate of increase was 2.7 per 100,000 population per year. These rates are in excess of those for total admissions in 1904 and 1910. The conclusion appears to be that there has been a marked increase in mental disease in the United States during recent years.

6. GEOGRAPHICAL DIFFERENCES OF HOSPITALIZED MENTAL PATIENTS

The incidence of hospitalized mental patients varies considerably in different sections of the United States. Higher rates are found along the northern Atlantic and Pacific seaboard and the lowest in the middle Southern States. Among the New England States, the incidence of hospitalized patients in 1935 was almost twice that for the eastern southern Central States (Kentucky, Tennessee, Alabama, and Mississippi). In 1935, 53 per 10,000 of the New England general population, aged 15 and over, were hospitalized as compared with 28 for the South Central States. Among various North Central States, the incidence of hospitalized mental patients is quite similar. Thus, both among the western North Central States (such as Minnesota and Kansas) and the eastern North Central States (as Ohio and Michigan), the prevalence rate was 36, while among the Rocky Mountain States (such as Montana and Utah), the rate was 37. In the States along the southern Atlantic seaboard (as Maryland, Virginia, and Florida), the rate was 38, while along the middle Atlantic seaboard (New York, Pennsylvania, and New Jersey), the hospital residence rate was 43 per 10,000 population. For the Pacific States (California, Oregon, and Washington), the rate was identical with that of the Middle Atlantic States.

[47] Id.
[48] Benjamin Malzberg, Social and Biological Aspects of Mental Disease (1940) table 3, p. 19.

In other words, the highest incidence of hospitalized mental patients is found in the Seaboard States, the next highest in the North Central States, and the lowest in the South Central States. It is not difficult to explain these findings. The Seaboard States, especially those along the North Atlantic, are much wealthier, more inclined toward social reform, and have larger cities than the South Central States. As a consequence, they have a more ambitious hospital-building plan to care for their insane, while the others, both because of economic necessity and greater ruralization, permit their insane to remain under home or county care.

This interrelationship between hospital facilities and the extent of hospitalization may be illustrated by comparing the incidence of hospitalized patients to the available hospital beds. Among the eastern South Central States there were 25 mental hospital beds available for every 10,000 individuals in the general population aged 15 or over, in New England the ratio of beds to general population was 46, and in the North Central States, it was about 34.[49]

7. MENTAL DISEASE IN THE UNITED STATES ACCORDING TO NATIVITY AND PARENTAGE

a. General

Censuses of patients with mental disease have shown that the foreign-born apparently have higher rates of mental disease than the native population. The following table shows the incidence of mental ills among foreign-born and natives:[50]

Number of mentally ill persons per 100,000 population

Year[1]	United States		New York State	
	Native	Foreign-born	Native	Foreign-born
1850	64.7	91.4	77.0	97.9
1860	66.9	139.8	86.9	181.3
1870	79.4	201.7	98.8	276.4
1880	150.9	394.2	200.3	520.2
1890	132.9	384.3	207.2	552.1
1904	148.3	414.8	239.4	540.4
1910	168.7	405.3	267.7	493.9
1923	209.9	513.9	312.6	589.9

[1] The years 1850, 1860, 1870, 1880, and 1890 include colored and include patients in institutions and in the community. The years 1904, 1910, and 1923 include only the white patients in institutions. It should also be remembered that the censuses for the different years are not always comparable with each other, since originally enumeration of the mentally ill was made in connection with the general population census whereas, beginning with 1904, the census has been restricted to patients in hospitals.

Such pronounced differences did not fail to attract attention in connection with immigration problems. At the annual meeting of the Association of Superintendents of American Institutions (now the American Psychiatric Association) in 1884, Dr. Foster Pratt, of Michigan, stated that the foreign-born population increased 100 percent between 1850 and 1860, whereas the foreign-born insane increased 181 percent; from 1860 to 1870 the foreign population had increased 30 percent but the foreign-born patients increased 100 percent; from 1870 to 1880 the foreign-born population increased less than 20 percent, whereas the foreign-born patients increased 150 percent.[51]

[49] C. Landis and J. D. Page, Modern Society and Mental Disease (1938), fig. 14, p. 108.
[50] Benjamin Malzberg, Social and Biological Aspects of Mental Disease (1940), table 62, p. 143.
[51] Benjamin Malzberg, op. cit., p. 144.

Thirty years later, another enumeration of the mentally ill disclosed an apparently enormous preponderance of such cases among the foreign-born. In 1910, the special census showed that the native whites had an admission rate of 57.9 per 100,000 corresponding general population, whereas the foreign whites had an admission rate of 116.3. When, however, the two groups were compared on the basis of similar age proportions, the admission rate of the foreign white was reduced to 70 per 100,000.

From the table, it is also apparent that both the native and foreign-born had higher rates of mental disease in New York State than in the Nation as a whole. Year after year approximately 25 percent of all immigrants reported New York as their destination, and this has been confirmed by census enumerations and by statistics of emigrant departures.

b. New York State

There were 26,765 white patients with mental disease in New York State received for the first time in institutions for treatment of mental disease during the three fiscal years ending June 30, 1931, of whom 15,704, or 58.7 percent, were native-born and 10,987, or 41.0 percent, foreign-born. Nativity was unknown in 74 cases. The following table shows the number of white admissions to all institutions for mental disease in New York State during the fiscal years 1929–31, classified by nativity and parentage, with average annual rates of first admissions per 100,000 of corresponding population: [52]

Nativity	Number			Average annual rate per 100,000
	Males	Females	Total	
Native-born	8,677	7,027	15,704	58.7
Native of native parents	3,982	3,195	7,177	53.7
Native of foreign parents	3,397	2,760	6,157	61.5
Native of mixed parents	1,298	1,072	2,370	70.1
Foreign-born	6,204	4,783	10,987	115.1

The native-born had an average annual rate of first admissions of 58.7 per 100,000 population. The foreign-born had a rate of 115.1, which exceeded that of the natives by 96 percent. The native-born of native parentage had an even lower rate, of 53.7 percent. It appears, therefore, that mental disease is almost twice as prevalent among the foreign-born as among the native-born and that the rate is a minimum among natives of native parentage.

There were 5,492 first admissions to all hospitals for mental disease in New York State among native whites of Italian, German, Irish, English, and Scandinavian parentage, and 5,991 foreign whites born in those countries during the three fiscal years ended June 30, 1931, as follows: [53]

[52] Benjamin Malzberg, op. cit., table 63, p. 152.
[53] Benjamin Malzberg, op. cit., ch. VIII.

Country of origin	Number of first admissions		Average annual rate per 100,000 population	
	Native whites of foreign parentage	Foreign-born or born in country listed	Native whites of foreign parentage	Foreign-born or born in country listed
Italy	769	1,997	27.8	105.8
Germany	1,693	1,286	82.7	122.8
Ireland	2,307	1,724	117.5	196.0
England	554	538	78.1	122.4
Norway, Sweden, and Denmark	169	446	51.3	120.4

With two exceptions (Italians and Scandinavians), the five selected groups of natives of foreign parentage had higher rates of first admission than native whites of native parentage. Native whites of Irish parentage had rates of first admissions considerably higher than those of the other selected groups of natives of foreign parentage or of all natives of foreign parentage. Natives of English and German parentage had rates of first admissions that did not differ significantly.

8. CITIZENSHIP OF PATIENTS IN MENTAL INSTITUTIONS (1940)

In 1940, according to the Bureau of the Census, there were 591,365 persons 14 years of age and over in mental institutions, including public or private establishments organized to care for resident mental patients, and including homes and hospitals for the mentally diseased, the feeble-minded, and epileptics. Of this total, 481,737, or 81.5 percent, were native and 109,628, or 18.5 percent, were foreign-born.

Of the foreign-born persons, 35,897, or 32.7 percent, were naturalized citizens; 2,418, or 2.2 percent, were aliens who had made formal declaration of intention to become citizens of the United States; and 38,285, or 34.9 percent, aliens with no papers; plus 33,028, or 30.1 percent, foreign-born persons for whom no citizenship was reported, most of whom were probably aliens.[54]

9. COLOR AND NATIVITY

The number of persons of the white race in mental institutions in 1940 exceeded that of the nonwhites, there being 536,629 whites and 54,736 non-whites, a total of 591,365. "The great majority of the nonwhite population, however, consisted of Negroes except in the Pacific States, where there were many Chinese and Japanese, and in Oklahoma and certain Mountain States, where many of the non-whites were Indians. Persons of Mexican birth or ancestry who were not definitely Indian or other non-white races were listed as whites."[55]

Of the white population, 428,912 were native-born and 107,717 were foreign-born. Of the non-white, 1,911 were foreign-born and 52,825 were native-born.[56]

[54] U. S. Bureau of the Census, Special Report on Institutional Population, table VI, p. 6.
[55] U. S. Bureau of the Census, Institutional Population, 1940, p. 3.
[56] Ibid., table VI, p. 6.; U. S. Bureau of the Census, Statistical Abstract of the United States, 1948, table 58, p. 56.

a. Negroes

Landis and Page called attention to the fact that "in 37 of the 48 States of the United States the rate of first admissions to State mental hospitals during 1933 was higher for Negroes than for the native white population." [57]

In a study by Malzberg based upon New York State, where Negroes are admitted as freely as whites to the State hospitals, it is reported that the incidence of first admissions for Negroes during the period 1929 to 1931 was more than twice as high as that for the white population, 224.7 per 100,000, as compared to 97.4 for the white population. The Negro rate was in excess by a ratio of 2.31 to 1.[58]

b. American Indians

The total number of American Indian first admissions to mental hospitals in the United States in 1933 was 127 cases, which results in a much lower first-admission rate than any other population group. Since the Indians are a highly protected rural race who are not inclined to avail themselves of hospitals and similar facilities, this observation is not especially significant. Physicians who have observed Indian mental patients over a number of years are in agreement that in the main the mental disease rate among the Indians does not differ from that among the whites.[59]

c. Chinese and Japanese

Adequate data on the incidence of mental disease among the Chinese and Japanese are lacking. The Japanese have a lower first-admission rate to State mental hospitals and the Chinese a higher rate than the white population. These figures are not particularly reliable, because of the small sample. In 1933, for example, only 84 Chinese and 43 Japanese were admitted.

Furthermore, it is difficult to ascertain to what extent the differences are due to the fact that the Japanese in the United States are younger and less urbanized than the white general population, while the reverse is true for the Chinese. There is no question, however, that the Chinese and Japanese are subject to the same mental diseases as the white population since in both China and Japan cases of the various principal mental disorders are regularly hospitalized.[60]

10. SEX, AGE, AND MARITAL STATUS OF PERSONS CONFINED TO MENTAL INSTITUTIONS

In 1940, there were 44,259 more males confined to mental institutions than females, 317,812 males compared with 273,553 females. The greatest number, 129,530, was in the age group 45 to 54 years, while the 35 to 44 group was second, with 119,183, and the 55 to 64 year age group had 98,910. There were 90,342 between 25 and 34 years and 87,974 were 65 years and older. The smallest number, 12,383, appeared in the 18-and-19-year category, followed by 19,382 in the 14-to-17-year group, and 33,661 between the ages of 20 and 24.[61]

The foreign whites are considerably older than the native-born, their average on April 1, 1930, being 42.4 and 26.9 years, respectively.

[57] Carney Landis and James D. Page, Modern Society and Mental Disease (1938), p. 100.
[58] Benjamin Malzberg, Social and Biological Aspects of Mental Disease (1940), p. 238.
[59] C. Landis and J. D. Page, Modern Society and Mental Disease (1940), p. 104.
[60] C. Landis and J. D. Page, op. cit., p. 106.
[61] U. S. Bureau of the Census, Statistical Abstract of the United States, 1948, table 58, p. 56.

Natives of foreign and mixed parentage are younger than natives of native parentage. As is well known, there is a correlation between age and rate of mental disease; the rate is lowest in the youngest age groups and reaches a maximum in old age. The foreign whites have fewer persons under 20 years of age but high proportions in the middle years. The native-born show high percentages in the age groups under 20 years and decreasing rates at the higher age levels. This, obviously, results in an unequal weighting of the specific age rates of mental disease in the two nativity groups.[62]

11. EDUCATION OF PERSONS CONFINED TO MENTAL INSTITUTIONS

The 1940 census, for the first time, included a question on the formal educational attainments of persons confined to mental and other institutions. Statistics on the number of years of school completed for the mental institutional population, 25 years old and over, are as follows:[63]

Years of school completed

Total, 25 years old and over	525, 939
No school year completed	68, 362
Grade school:	
1 to 4 years	59, 972
5 or 6 years	49, 223
7 or 8 years	126, 577
High school:	
1 to 3 years	25, 301
4 years	24, 298
College:	
1 to 3 years	7, 683
4 years or more	6, 364
Not reported	158, 159

12. PUBLIC AND PRIVATE RESIDENTIAL AND SPECIAL SCHOOLS, AND CLASSES, FOR MENTALLY DEFICIENT

In 1936, there were 130 schools for mentally deficient children, with 21,889 pupils in 46 States and the District of Columbia, and in 1940, there were only 104 schools reported with 21,806 pupils in 45 States and the District of Columbia. The number of pupils includes only the children who reported for school work.

In 1936, 643 cities in 43 States had 99,621 pupils enrolled in special schools and classes for mentally deficient children, and in 1940, 565 cities in 42 States, a total number of 98,416 pupils, a reduction of 1,205 during those years.[64]

13. DISCHARGES AND DEATHS IN ALL PERMANENT-CARE HOSPITALS

The number of patients discharged per year from all hospitals for permanent care of psychiatric patients increased from 87,449 during 1947 to 151,165 during 1946, a rise of 72.9 percent.

Death rates, which took a sharp upturn in 1943 and 1944, declined somewhat in 1945 and 1946. In 1945 and 1946, there were 65.4 and 65.7 deaths, respectively, per 1,000 patients under treatment, a posi-

[62] Benjamin Malzberg, Social and Biological Aspects of Mental Disease (1940), table 64, p. 153.
[63] U. S. Bureau of the Census, Statistical Abstract of the United States, 1948, table 58, p. 56.
[64] U. S. Bureau of the Census, Statistical Abstract of the United States, 1948, tables 164 and 165, p. 141.

tion between the high 71.5 during 1944 and the low of 60.7 during 1939. The death rate for State hospitals showed a somewhat similar trend at a slightly higher level.

J. Education, Literacy, and Language

1. Educational Requirements for Admission and Naturalization

a. Admission

(1) Enactment of legislation

The 1911 report of the United States Immigration Commission laid the most important foundation for the institution of educational qualifications for admission. Restrictions were recommended as demanded by economic, "moral," and social considerations, and suggested restriction which might be enacted by Congress.[65]

Of all its suggestions, the reading and writing test was favored by a majority of the Commission as the most practicable single means of restricting undesirable immigration. Bills proposing such a test had been introduced in Congress as early as 1892. Those which passed were, in the end, vetoed four times by three Presidents (once each by Cleveland and Taft, and twice by Wilson). An educational test was made part of the Immigration Act of 1917, over President Wilson's veto. The so-called literacy test provided for exclusion of aliens over 16 years of age who are illiterate.[66] Certain relatives of American citizens or resident aliens (fathers, grandfathers, wives, mothers, and grandmothers) were exempted.

The report of the Commission furnished the text for numerous articles and speeches in Congress, echoing the sentiment voiced by the Nation a number of years before[67] immigration had gained the volume and assumed the character of the twentieth century:

> We have to make head against the great tide of barbarism which our vast frontier is ever rolling back on us, and at the same time to raise up to the American level the vast horde of immigrants which are every year deposited on our shores without any other preparation for their new life than discontent with their old one.

The First World War precipitated and hastened restrictive immigration legislation and ushered in a new era in immigration history. The proponents of a restrictive immigration policy fastened upon the literacy test as perhaps the most effective method that was likely to pass Congress. The principle had been approved twice previously by that body, and there was good reason to feel that a favorable majority could be mustered again.

Since the chief purpose behind the literacy test was to decrease the total volume of immigration rather than to select a more desirable type of immigrant, its advocates hoped that it would be effective in securing a substantial reduction in the number of immigrants admitted, since the number of illiterates among immigrants had been relatively high since the 1880's and was increasing. Illiterates had constituted 25 percent of all immigrants admitted in the decade prior to the adoption of the literacy test.

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[65] National Committee on Immigration Policy, Immigration Under the Quota System, p. 11.
[66] For legal provisions, see p. 373.
[67] January 2, 1868.

The "humanitarians" argued that literacy was no test of character, asserting that if Abraham Lincoln's mother had been an immigrant and if the literacy test had been in force at the time, she would have been refused admission. In reply, it was stated that people of enterprise and ambition learn to read under almost any conditions, and that Abraham Lincoln learned to read and write under difficulties as great as those existing in any country of Europe at the present time; the inability to read is, therefore, prima facie evidence that the applicant is unfit for American citizenship.[68]

Steamship and railway companies, as well as the owners of factories and mines, used their influence in opposing the bill. The Socialists, with their international outlook, were also opposed to the erection of a national barrier.

Organized labor, however, favored the literacy test. Despite the fact that a great variety of occupations are represented by organized labor, it has generally favored a restrictive immigration policy.[69] It is probable that, even before the outbreak of the First World War, a majority of native-born Americans were in favor of the literacy test.

The measure had the backing of the members of the Immigration Commission, who had spent much time in studying conditions in Europe and America. Many of the members who were originally opposed to restriction became unanimously in favor when conditions like those at Lawrence, Mass.—immorality and stuffy living-quarters, a single house sometimes housing as many as 25 or 30 unmarried men—were revealed. They urged the literacy test on the ground that no other method could pass Congress at the time and, in addition to being restrictive, it was beneficially selective.[70]

The South strongly supported the measure and it was remarked on the floor of Congress that the demand for restriction came from sections of the country to which immigrants were not going. In 1915, Senator Reed of Missouri presented tables in the Senate showing that, on the last vote on the literacy test, States which had the smallest percentage of foreign-born were the strongest advocates of the bill, whereas a number of the States having a very high percentage of foreign-born were opposed.[71]

The literacy-test bill of 1915 passed both Houses of Congress by huge majorities, only seven Senators voting in the negative. President Wilson vetoed the bill and his message of January 28, 1915, objected to the literacy test and to the principle of restriction in these words:

> In two particulars of vital consequence this bill embodies a radical departure from the traditional and long-established policy of this country, a policy in which our people have conceived the very character of their Government to be expressed, the very mission and spirit of the Nation in respect of its relations to the peoples of the world outside their borders. It seeks to all but close entirely the gates of asylum which have always been open to those who could find nowhere else the right and opportunity of constitutional agitation for what they conceived to be the natural and inalienable rights of men; and it excludes those to whom the opportunities of elementary education have been denied, without regard to their character, their purposes, or their natural capacity.
>
> Restrictions like these, adopted earlier in our history as a Nation, would very materially have altered the course and cooled the humane ardors of our politics. The right of political asylum has brought to this country many a man of noble

[68] George Stephenson, A History of American Immigration (1926), p. 158.
[69] Ibid, pp. 159–160.
[70] George Stephenson, op. cit., pp. 161–162.
[71] Congressional Record, 63d Cong., 3d Sess., pp. 3000, 3002.

character and elevated purpose who was marked as an outlaw in his own less fortunate land, and who has yet become an ornament to our citizenship and to our public councils. The children and compatriots of these illustrious Americans must stand amazed to see the representatives of their Nation now resolved, in the fullness of our national strength and at the maturity of our great institutions, to risk turning such men back from our shores without test of quality or purpose. * * *

The literacy test and the tests and restrictions which accompany it constitute an even more radical change in the policy of the Nation. Hitherto we have generously kept our doors open to all who were not unfitted by reason of disease or incapacity for self-support or such personal records and antecedents as were likely to make them a menace to our peace and order or to the wholesome and essential relationships of life. In this bill it is proposed to turn away from tests of character and of quality and impose tests which exclude and restrict; for the new tests here embodied are not tests of quality or of character or of personal fitness, but tests of opportunity. Those who come seeking opportunity are not to be admitted unless they have already had one of the chief of the opportunities they seek, the opportunity of education. The object of such provision is restriction, not selection.[72]

Nonetheless, Congress continued to insist on a literacy provision and on May 1, 1917, a new law became effective over the veto of President Wilson. The act provided that aliens over 16 years of age physically capable of reading, but unable to read English or any other language or dialect (including Hebrew or Yiddish) were to be refused admission. The test does not apply to the father or grandfather over 55 years of age or a wife, mother, grandmother, or unmarried or widowed daughter of any admissible alien, nor to persons fleeing from religious or political persecution, skilled laborers, actors, professional men, and others.

(2) Criticism of law

For a time, there was considerable discussion in congressional committees on the wisdom of the literacy test. Objections were made that it tended to select individuals from urban areas where educational opportunities were greater, rather than from rural districts where the stock was often sturdier.[73] These and other objections did not, however, cause the test to be discarded; on the contrary, it has been retained to the present day as one of the tests of eligibility for admission to the country.

The test is actually given only to would-be immigrants whose literacy is doubted and is generally given in foreign consular offices before the visa is granted. A United States consular officer stated that since consular offices are not now furnished with reading tests comparable to those of the immigration inspectors at ports of entry, visa officers must estimate very roughly the admissibility of aliens who may or may not meet the literacy standards imposed at the port of entry. In the cases of several applicants who applied at his office, it would have been helpful to have such tests so as to evaluate the applicants' literacy in a manner comparable to that used at the port of entry.[74]

Methods of administering the test have also been criticized. Although the Immigration Act of 1917 specifies that the immigrant applicant shall be required to read "not less than 30 nor more than 40 words in ordinary use, printed in plainly legible type" in the language or dialect in which he desires the examination to be made,

[72] George Stephenson, A History of American Immigration (1926), pp. 166–167.
[73] National Committee on Immigration Policy, Immigration Under the Quota System, p. 13.
[74] Airgram Communication to Visa Division, Department of State, dated December 16, 1948.

in practice obscure and difficult passages from the Bible and other material in archaic language has often been used.[75] As one group appearing before the subcommittee asserted:

> We deplore the manner in which the literacy test is administered. No matter to what religion an alien adheres, he is required to read a verse from the Bible. We believe that the quotations from the Bible are not words in ordinary use. The literacy test applied by the immigration authorities obviously does not comply with the law.

An official of the Association of Immigration and Nationality Lawyers, stated:

> There is in section 3 of the 1917 act a limitation of 6 months for the return of an illiterate. Any other person can come back on a reentry permit at any time, but an illiterate must come back within 6 months. I do not know whether it escaped the notice of the Service, but the Board of Special Inquiry sitting in New York has said that in a number of instances they had to mandatorily bar these people because of their being illiterates and because of the fact that they did not return, after a long residence here, within 6 months of the time they left the United States.

An official of the Immigration and Naturalization Service in Washington stated before the subcommittee that the provision relating to the exclusion of illiterates who have had 5 years of residence in the United States but who do not return within 6 months has probably outlived its usefulness:

> It was intended to cover aliens who were admitted permanently prior to the 1917 act who made visits abroad and returned to the United States shortly after the passage of the 1917 act.
>
> If Congress felt that illiterates should not be admitted, they must have also felt that the mere fact that they had been previously in the United States once should not be ground for a waiver of the illiteracy clause unless they had established some period of residence.
>
> Today, an alien who is admitted, who is of the illiterate class, is generally admitted because he is exempt from the literacy clause; and in most instances those that are not so exempt have been living in the United States for many, many years and can be admitted and are being admitted under proviso 2 of section 3.

A field official of the United States Immigration and Naturalization Service, in a memorandum addressed to the chairman of the Senate Immigration and Naturalization Subcommittee stated:

> Section 3 of the act of 1917, as it pertains to illiterates, should be amended to delete for legal residents the requirement of 5 years' residence and return within 6 months for exemption from the reading test. In my opinion, such an alien whose illiteracy was known to this Service and overcome by an exemption at the time of original or basic arrival should be regarded as any other permanent resident when returning from a temporary visit abroad to an unrelinquished residence in the United States. An illiterate alien may lose the relative who provided him a reading-test exemption upon original arrival by death or by divorce or by removal of such relative from the United States. While his status as a resident is not affected thereby, while he remains in the United States he is limited for the purposes of visiting abroad by what seems to me a purely technical requirement of law. For, in the final analysis, there seems to be little practical difference between readmitting an otherwise admissible illiterate alien who has resided here less than 5 years and returns after an absence of over 6 months or readmitting one who has had more than 5 years' residence and has been absent less than 6 months. I believe the present law imposes an unnecessary restriction upon travel in the type of case under discussion.

(3) *Effectiveness of literacy test*

The restrictive effect of the literacy test between 1917 and the enactment of quota laws in 1921 is difficult to determine. Immigra-

[75] National Committee on Immigration Policy, Immigration Under the Quota System, p. 13.

tion had already been greatly reduced by World War I during the year just before it was passed. Moreover, the year when the new test was introduced was the year in which the United States entered the war, when immigration for this reason alone would doubtless have been further reduced. The reduction in total immigration—from 295,403 in 1917 to 110,618 in 1918—was apparently not the result of the literacy test. Following the war, total gross immigration rose to 141,132 in 1919, to 430,001 in 1920, and to 805,228 in 1921 (the last year before the quota restrictions went into effect). Because of this rise, it was stated that the literacy test was insufficiently effective in reducing the volume of immigration and a new plan of numerical restriction began to be worked out which developed into the quota system.[76]

Since 1921 was the only year when conditions were comparatively normal during the period when the literacy test was the chief means of restriction, its effect as a restrictive measure was never adequately tested. In general, it failed to measure up to the needs of the country as a restrictive device, and is now considered principally a selective measure.[77]

b. Naturalization

(1) Existing situation

For a number of years the matter of requiring applicants for naturalization to be able to read the English language has been the subject of much discussion. Many courts are requiring that every applicant appearing for citizenship shall demonstrate that he can read simple English, on the ground that an alien who has lived in the United States for a considerable number of years and has made no effort to read even simple English words has failed to satisfy the requirement that he has been "attached" to the principles of the Constitution and that he is "well disposed" to the good order and happiness of the United States. A decision in the matter held that the court in requiring such is well within its sound discretion. The central office of the Immigration and Naturalization Service insists, however, that since the law itself does not specifically require it the courts cannot demand it.

The matter of voting is an excellent example of the inadequacy of the present situation. Many persons, even after they have become naturalized, are unable to participate fully in the general affairs of their communities and States because of their inability to read English. This causes them to draw together, and apart from English-speaking people, in order to discuss such matters in their own tongue, and thus become further isolated, instead of being fully incorporated into their communities. In many courts the applicants are asked to read short, simple articles from the daily newspapers, and then state in their own words their meanings.

The extent to which immigrants, even those of high educational levels, are isolated from the native community was illustrated in this statement of an Immigration and Naturalization Service officer:

> I have also had the occasion to see people with degrees, doctors, perhaps, in Europe who have not become familiar with the language. They stayed among their own people over here and were unable to speak English.

[76] National Committee on Immigration Policy, Immigration Under the Quota System, pp. 13-14.
[77] Ibid., p. 14.

(2) Need

Generally, opinion presented to the subcommittee supported enactment of literacy tests for immigrants seeking naturalization. The following statement was made by an Immigration and Naturalization Service official in New York, on section 304 of the Nationality Law of 1940:

> I believe that a minimum educational standard should be set forth in the law. The sole legal requirement at present is that the applicant must be able to speak English and sign his name in his own handwriting. It seems inconsistent that the Service should conduct a campaign to enroll applicants in public schools and at the same time inform them that they are not required to read English and that, if they can sign their names in any language, that will suffice.

Immigration Service personnel and others interviewed by the subcommittee generally supported this position.

In a memorandum written to the Commissioner of Immigration and naturalization, a naturalization examiner remarked that, since most jurisdictions require newly made citizens to pass a reading test for voting eligibility, and because the immigration laws require aliens admitted for permanent residence to read some language, it would seem to follow that the ability to read English should be a requirement for naturalization.

One Service officer summarized the position this way: "I don't think he [the immigrant] can exercise the voting franchise very intelligently unless he can read English."

Another Immigration and Naturalization Service official put it:

> If we could only admit people who can read and write, it would be ideal and our problem would be minimized. We would hardly have to examine the people. But we don't get that type of alien, especially, for instance, in Brooklyn, where there is a huge Italian population. They struggle with the language. We have to get down to their level to ask those people with seven or eight or nine children to answer our questions.

A note of caution was sounded and certain qualifications suggested with respect to literacy tests for citizenship applicants. An officer of the Immigration and Naturalization Service stated:

> I tell you it is rather difficult to say that that party is ignorant simply because he cannot express himself in English in a manner which is required by some statute, simply because he cannot speak and read English fluently. We also have instances such as that, where groups are cloistered in religious institutions, where they do not mingle with the people. That type of person, it seems to me, would be desirable as a citizen notwithstanding the fact that he might not be able to comply with some regulation which Congress feels fit to put into the act concerning the ability to speak the language. Having everybody read and speak English would be desirable but unenforceable from a practical standpoint. Perhaps in smaller communities where the alien problem is not so great, where the naturalization calendar consists of 5 or 10 in the course of 6 months, it might work, but in Brooklyn or New York, where 500 a week or even more than that are handled, you can see the problem that would ensue.

There was the feeling in some quarters that our present educational requirements for naturalization are too strict, especially with respect to the older aliens. Marshall E. Dimock, of the Immigration and Naturalization Service, in a speech delivered at the Annual Conference of Social Work, June 2, 1941, made the following statement:

> A sample from alien registration reveals that approximately 15 percent of the aliens signed their registration forms by use of "his mark" or "X" and the actual percentage of those who could not pass a more comprehensive literacy test than this would, of course, be considerably higher. Ninety percent of the illiterate

alien population is over 45 years of age, and approximately this same percentage of illiterates arrived in this country before 1924. Proud as we are of the past accomplishments of our citizenship education program, we can see from these figures how much has been left undone. The plain fact is that, unless there is a relaxation of the literacy requirements for this group past 50, thousands face the absolute certainty of never being able to qualify for United States citizenship.[78]

Another Immigration and Naturalization Service official who appeared before the subcommittee said that, while he felt that there should be a requirement that petitioners have a reasonable ability to read and write the English language, consideration probably should be given to the fact that a great many aliens are living in the United States who entered before the more restrictive and selective clauses and provisions of the immigration laws were enacted, and that frequently their environmental influences are not conducive to learning to read and write the English language. It might be difficult, because of the age of these individuals, to require the ability to read and write English.

The desirability of adequate literacy provisions in the naturalization law was spelled out by an Immigration and Naturalization Service officer appearing before the subcommittee:

> It should be remembered that we spend large sums annually to maintain schools for the education of our children in order that they may become good useful citizens; in order to do that they certainly must be able to speak the language of the country in which they live. In order that he properly function as a citizen of the United States, every person should be able to speak the English language. The operation of government is an intricate thing, and a person should have some knowledge of how that machinery operates before he takes a hand in its operation. It seems that if one were able to read our language he could better aid in operating that machinery.

Because of these facts, it is eminently proper and desirable to have a naturalization law which specifically requires that an applicant should demonstrate his ability to read and understand simple English as a condition precedent to his admission to citizenship.[79]

2. LANGUAGE CHARACTERISTICS OF THE POPULATION

a. Composition

Various social and economic problems arise from the language composition of the population. Each language group has many customs and traditions to which it adheres tenaciously. Wherever there is difficulty of communication, as there always is where several languages are in use within a country, all kinds of social and economic movements are retarded in their development. It is, therefore, important to study the language composition of the population, in order that the problems arising therefrom may be recognized and properly met.

While language and nationality may not appear as important in this country as in certain European countries, there is a foreign-born element in our population which few other countries have. This immigrant group and its children comprise a considerable proportion of our population.[80] Each foreign-born group brings with it certain

[78] Vital Speeches of the Day, August 1, 1941, p. 629.
[79] For a further discussion, see sec. 6, p. 215.
[80] Warren S. Thompson, Population Problems (1942), pp. 115-116.

customs and traditions which tend to prevent its mixing freely with the people already here. Every group except that from the British Isles and the British part of Canada speaks a language other than English. Hence, there is inevitably a very definite line of cleavage between the native population and most of our immigrants which not infrequently extends to the children of immigrants and may prevent these groups from working together harmoniously in communities where there are any considerable numbers of immigrants.

The distribution of foreign languages in the white population of the United States is shown in the following table for the census years 1930 and 1940:

Mother tongue and origin of the white population of the United States, 1930 and 1940

Region of origin and mother tongue	1940				1930
	Total	Foreign-born	Native		Foreign-born
			Foreign or mixed parentage	Native parentage	
Total	118,392,040	11,109,620	23,157,580	84,124,840	13,983,405
Northwestern Europe:					
English	93,039,640	2,506,420	12,181,040	78,352,180	3,097,021
Norwegian	658,220	232,820	344,240	81,160	345,522
Swedish	830,900	423,200	374,040	33,660	615,465
Danish	226,740	122,180	95,460	9,100	178,944
Dutch	267,140	102,700	103,240	61,200	133,142
Flemish	54,340	31,900	17,840	4,600	42 263
French	1,412,060	359,520	533,760	518,780	523,297
Central Europe:					
German	4,949,780	1,589,040	2,435,700	925,040	2,188,006
Polish	2,416,320	801,680	1,428,820	185,820	965,899
Czech	520,440	159,640	279,040	81,760	201,138
Slovak	484,360	171,580	283,520	29,260	240,196
Magyar (Hungarian)	453,000	241,220	198,600	13,180	250,393
Serbian	37,640	18,060	18,300	1,280	30,121
Croatian	115,440	52,540	58,980	3,920	79,802
Slovenian	178,640	75,560	97,300	5,780	77,671
Eastern Europe:					
Russian	585,080	356,940	214,160	13,980	315,721
Ukrainian	83,600	35,540	45,280	2,780	58,685
Armenian	68,320	40,000	26,440	1,880	51,741
Lithuanian	272,680	122,660	140,620	9,400	165,053
Finnish	230,420	97,080	118,460	14,880	124,994
Rumanian	65,520	43,120	20,340	2,060	56,964
Yiddish	1,751,100	924,440	773,680	52,980	1,222,658
Southern Europe:					
Greek	273,520	165,220	102,140	6,160	189,066
Italian	3,766,820	1,561,100	2,080,680	125,040	1,808,289
Spanish [1]	1,861,400	428,360	714,060	718,980	743,286
Portuguese	215,860	83,780	120,500	11,580	110,197
Arabic	107,420	50,940	52,760	3,720	67,830
All other	109,480	63,880	34,520	11,080	57,808
Not reported	3,356,160	248,500	264,060	2,843,600	42,233

Source: U. S. Bureau of the Census, Statistical Abstract of United States, 1948, p. 37.

[1] The descendants of the early Spanish settlers in the Southwest have maintained themselves aloof and apart up in the Rocky Mountain territory of northern New Mexico and southern Colorado.

Even today Spanish is used in the legislature of New Mexico, for many of the senators and representatives who gather at the capital city of Santa Fé are of pure Spanish ancestry and speak no English. This is the one State of the Union where a language other than English is thus used (Kenneth D. Miller, We Who Are America, 1943, p. 131).

The heterogeneity of the American population is further indicated by the following table, which shows the percentage composition of foreign-born groups in our population: [81]

Percentage distribution by country of birth of foreign-born white population, United States, 1940

Country of birth	Percent	Country of birth	Percent
Total	100.0	Central European—Continued	
		Hungary	2.6
Northwestern Europe	24.8	Yugoslavia	1.4
		Eastern Europe	12.9
England and Wales	5.8		
Irish Free State	5.0	Russia	9.1
Scotland	2.5	All other	3.8
Norway	2.3		
Sweden	3.9	Southern Europe	16.6
All other	5.3		
		Italy	14.2
Central Europe	30.5	All other	2.4
Germany	10.8	Canada and Newfoundland	9.3
Poland	8.7	All other	5.9
Czechoslovakia	2.8		
Austria	4.2		

The magnitudes of the problems which this country faces as a result of the large proportion of foreign-born persons may be further pointed out by a comparison with other countries. The following table shows the ratio of native and foreign-born persons in a number of European countries. Although the information is for various periods prior to World War II and does not take into account the sweeping changes of the past decade, the data are indicative of the general pattern: [82]

Percentage distribution of population by nativity, selected countries

Country of birth	Year	Native	Foreign-born	Country of birth	Year	Native	Foreign-born
United States	1940	91.2	8.8	Australia	1933	99.1	0.9
France	1931	92.5	7.5	Sweden	1930	99.7	.3
Bulgaria	1934	94.2	5.8	England and Wales	1931	99.6	.4
Germany	1933	98.8	1.2	Italy	1936	99.7	.3

There is hope, however, that the problem is decreasing somewhat—and will continue to do so—unless there is another large influx of alien groups, as indicated by the following statement made before the subcommittee:

In 1920, foreign-born white and native white of foreign or mixed parentage whose mother tongue was not English constituted 28.1 percent of the total white population of this country, whereas in 1940 this percentage was only 16.6 percent.

3. FOREIGN-LANGUAGE PRESS

a. Circulation

The 1940 census showed that of the 34,576,718 foreign white stock in the United States—11,419,138 of whom were foreign-born—22,006,240 listed some language other than English as their mother

[81] Ibid., p. 117.
[82] Ibid.

tongue; that is, the "principal language spoken in the home" in their "earliest childhood." This group was served by 1,092 newspapers and periodicals printed wholly or in part in 39 foreign languages.[83]

A survey of the foreign-language press in the United States made by the Common Council for American Unity in October 1946 showed a total of 1,010 publications, which constitute 5.6 percent of the 17,831 newspapers and periodicals published in the United States.[84] The language distribution reported is as follows:

Spanish	130	Croatian	13
German	115	Arabic	12
Italian	102	Carpatho-Russian	12
Polish	79	Slovene	12
Yiddish	56	Dutch	9
Hungarian	54	Japanese	9
Czech	52	Rumanian	6
French	43	Bulgarian	4
Swedish	42	Serbian	4
Norwegian	33	Albanian	2
Slovak	31	Estonian	2
Lithuanian	28	Latvian	2
Greek	26	Welsh	2
Portuguese	23	Esperanto	1
Finnish	20	Flemish	1
Armenian	17	Korean	1
Danish	17	Ladino	1
Russian	17	Wendish	1
Ukrainian	15		
Chinese	14	Total	1,010
Hebrew	14		

The frequency of publication of these 1,010 periodicals was summarized as follows:

Dailies	95	Monthlies	312
Semiweeklies	38	Others (less frequent)	93
Weeklies	401		
Semimonthlies	71	Total	1,010

It is from Americans of foreign birth and their families that the non-English press draws the bulk of its readers. Persons of foreign birth or parentage constitute one-quarter of the American population and are concentrated in Eastern and Middle Western States, on the west coast, and (the Spanish-speaking groups) in Florida, California, and the Southwest. The foreign-language press is, consequently, also concentrated in these areas. The States having the largest number of foreign-language publications are: [85]

New York	290	Minnesota	31
Illinois	121	Wisconsin	25
Pennsylvania	83	Connecticut	15
California	66	Missouri	14
Massachusetts	53	Colorado	12
Texas	52	Iowa	12
Ohio	50	Nebraska	11
Michigan	43	New Mexico	11
New Jersey	38	District of Columbia	11

[83] Brown and Roucek, One America (1945), p. 369.
[84] Common Council for American Unity, Interpreter Release, June 12, 1947, p. 199.
[85] Ibid., p. 201.

A quarter of the country's non-English publications, 253, are published in New York City. Chicago has 94. Other cities having 15 or more are:

Cleveland	37	Los Angeles	24
Pittsburgh	30	San Francisco	24
Detroit	28	Philadelphia	20
Boston	24	Milwaukee	15

While complete figures for the foreign-language press are not available, the best estimates indicate a minimum circulation of 6,000,000. The number of readers is probably larger since many copies are read by more than one person.

b. Uses and abuses of foreign-language press

Most of the foreign-language publications report copiously on the activities of the mutual-aid societies of the nationality involved and, even more, on political and personal statements reflecting the cross currents of the problems of the particular immigrant group. "To be a journal of opinion instead of a journal of information is a European compulsion no immigrant paper has been able to throw off." [86]

The foreign-language press serves the immigrant as a medium for maintaining contacts with fellow nationals in different parts of America and to increase his literacy as well. Moreover, by printing the news about America, the press has helped prepare its readers for American citizenship. The millions of immigrants who could not otherwise be reached until they had learned the English language have been reached through the foreign-language press, which has been an important educational agency for the immigrant.

The existence of this press has not, however, been without its serious criticism. Its very existence tends to preserve the alien language of the immigrant and to sustain nationalist and particularist tendencies, and may even create antipathy toward the American way of life.

(1) Communism and the foreign-language press

While the foreign-language press is often considered to be Communist, the statement has been made that, in fact, the churches have a much greater influence on it than does communism.[87] There are numerous Catholic foreign-language publications in this country, such as those of the Poles, Slovaks, and French. Many of the Norwegian and Danish papers are religious. Probably the two biggest pro-Communist papers in foreign languages are the Yiddish Freiheit and the Russian Russky Golos, both New York dailies with a combined paid circulation of 80,000.[88]

(2) The future of the foreign-language press

Finding the solution to the problem of more than 1,600 foreign-language publications in America is a task that has occupied the

[86] The Foreign-Language Press, Fortune, November 1940, p. 90.
[87] Brown and Roucek, One America (1942), p. 378.
[88] Ibid., p. 379.

attention of the officials of both the Justice and War Departments. Army officials were reported in 1942 to favor suspension of publications in German, Italian, and Japanese and licensing of papers printed in any other foreign language. The Department of Justice, on the other hand, favored some system of general licensing which would make it possible to weed out undesirable periodicals, without forcing all papers in native languages of enemy countries to cease publication.[89]

The Attorney General's Office pointed out that many of these publications as are not un-American are extremely useful in bridging the gap between the Government and unnaturalized residents, as was proved by the Department's experiences in alien registration, enemy alien identification, and surrender of contraband. Elimination of the foreign press might lead to unrest in certain areas; many aliens, loyal to America but not yet able to read or speak English, would lose all contact with policies of their adopted land, and the Government would be deprived of a useful medium for gaging sentiment in regions populated largely by aliens.

A review of the foreign-language press shows all too often a tendency to perpetuate Old-World differences and political conflicts. It is the opinion of the subcommittee that many of the non-English periodicals could serve both their readers and their country better by ending the constant stream of words on never-settled Old-World conflicts and devote itself to the concept that its readers, as American citizens, have given up their allegiance to the "old country" and have thereby assumed new obligations to the United States.[90]

4. FOREIGN-LANGUAGE RADIO BROADCASTS

a. Domestic

Of some 915 radio stations in the United States (in 1942), 205 stations broadcast in 26 foreign languages to a potential audience of 15,000,000 persons, an estimated 3,000,000 of whom neither speak nor understand English. In the first 30 days after Pearl Harbor, a total of 6,776 hours of foreign-language programs were broadcast from these stations.[91] A large percentage of the total time was given to Polish-, Spanish-, Jewish-, and German-language broadcasts.

The foreign-language radio broadcasts were probably a factor in the decline of the foreign-language press after World War I.[92] It has been stated that, due to the nature and control over radio in this country, radio is less susceptible than the press to direction from abroad and lends itself less readily to exploitation in behalf of causes contrary to public policy.

A study made in mid-February 1941 by Arnheim and Bayne pointed out that the cultural level of the foreign-language programs is low.[93] It was found that most of the foreign-language broadcasts (about 73 percent of all their radio time) are devoted to muscial items. Moreover, most foreign-language programs "typically conjure up a rather anachronistic picture of the home country," sentimentalizing the particular bit of homeland that the listeners had left years ago.

[89] What To Do With Foreign Press Puzzles Officials, Advertising Age, April 20, 1942, p. 25.
[90] Brown and Roucek, One America (1942), p. 381.
[91] Edward Jenks, What Are They Saying? New York Times, June 28, 1942.
[92] L. Wirth, Morale and Minority Groups, American Journal of Sociology (November 1941), pp. 421-423.
[93] Rudolph Arnheim and Martha Colling Bayne, Foreign-Language Broadcasts Over Local American Stations, Radio Research, (1941), ch. 1, pp. 3-64 ,Paul F .Lazarsfeld and Frank N. Stanton, editors,

Many of these programs appear to be directed to the older people not well acquainted with the English language and emotionally involved in the country of their youth. Little effort is made to catch the interest of the younger people born or reared in America.[94]

Other studies on foreign-language radio give convincing evidence of the effects of antidemocratic propaganda upon the thinking of immigrant groups. Friedrich notes some "shocking cases of treason and sabotage," due to the dependence of the small station upon the whims and prejudices of local advertisers who have frequently been the more or less willing channels of anti-American agents in the United States.[95]

b. Foreign

In addition to domestic broadcasts in foreign languages, there is a long series of short-wave broadcasts from abroad aimed at the immigrant in the United States. Prior to World War II, there was a large concentration of such propaganda work done in Germany and Italy. These nations have now been supplanted by the Soviet Union.

Characteristic of the Soviet propaganda drive is the first of the "pan-Slav" broadcasts launched in Moscow on November 18, 1948. "Today," the commentator reported, "we are beginning our permanent weekly broadcasts for American Slavs in Russian." The broadcast went on to state that American Slavs would hear about the friendship and fraternity of the peoples of the Soviet country, of the part played by the U. S. S. R. and the "people's democracies" in the struggle for peace and democracy.

A greeting from Premier Josef Stalin to United States Slavs carried on this broadcast was summarized as follows:

> To you, Americans of Slav origin, it is well known who stands in the path leading toward the realization of this profoundly humane and noble task. In the path stands reaction. * * * Vivid in all our memories is the greeting sent by Josef Vissarionovich Stalin to the Third American Congress in 1941. At that time, Generalissimo Stalin wrote: "Humanity is faced with the task of eradicating the remnants of fascism and to create a firm peace in the whole world. There is no doubt that in the solution of this most important task the Slav nations will play an equally prominent part as in the smashing of Hitlerite Germany. The Slav communities in the U. S. S. R. and the entire Soviet Nation are watching, with profound attention and sympathy, the heroic struggle waged by the best sons and daughters of the great American Nation and of the progressive Americans of Slav origin for the return of America to Roosevelt's policy of collaboration with the U. S. S. R. and other democratic countries."

Broadcasts of this type are clearly propaganda in nature and prejudicial to the best interests of this country.

Studies of current short-wave listening are not available. Investigations made during World War II, which may possibly serve as guides to the present situation, indicated that most of the listeners confined their listening to newscasts. Men, rather than women, old people rather than young, were the predominant listeners. Most short-wave radio ownership occurred among those with moderate incomes. The great majority of short-wave listeners were immigrants, noncitizens, much more at home with the mother tongue than with the English language.[96]

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[94] Brown and Roucek, One America (1942), p. 385.
[95] Carl J. Friedrich, Foreign-Language Radio and the War, Common Ground, III, autumn 1942, pp. 65-72.
[96] Harwood L. Childs, America's Short-Wave Audience, Propaganda by Short Wave (1942), pp. 328-333.

Dr. Bruner and Miss Sayre's study of short-wave listening by Italians in Boston revealed several interesting facts about motivations for short-wave listening: (1) listeners revealed a complex attitude, composed of militant identification with Italy and resentment toward America; (2) they were skeptical about the truth of news to be obtained from domestic sources; (3) they were more generally skeptical not only in regard to domestic news but also to the news to be heard over the short-wave; (4) in their activistic attitude toward the radio in general, the short-wave listeners interviewed stood out, almost without exception, from the domestic listeners; (5) short-wave listening appeared to be an occupation of men.

As a tool employed by subversive agencies for the purpose of undermining and endangering our national security, foreign-language broadcasts, both from within this country and from other countries, should be carefully and constantly supervised and checked. It is to be expected here, too, that, in the absence of a wave of new aliens into the country, the problem of the foreign-language radio will be solved with time.

5. COMMUNIST PROPAGANDA

As part of the Soviet pattern of world aggression and subversion, a powerful foreign-language propaganda "apparatus" has been established and maintained in the United States by Communist-controlled governments. This activity includes the publication and subsidy of publications and broadcasts in foreign languages, as well as "lectures," motion pictures, entertainments, and other activities aimed at subverting foreign-language-speaking groups in the country.[96a]

6. EDUCATIONAL TRAINING OF ALIENS FOR CITIZENSHIP

a. Need

Upon the conclusion of a study and presentment made on selective immigration by the Federal grand jury of the southern district of New York in 1943, the chairman stated that the presentment had been prompted by the fact that witnesses heard by the grand jury had given testimony that they were not loyal to the United States, but were loyal to the country of their origin or to the country of origin of their parents.[97]

The grand jury stated that it expected an unprecedented wave of immigration to this country at the conclusion of World War II. It indicated that the safety of this country and its institutions was being jeopardized, and attributed this condition partly to the fact that the supervision and education of aliens and the facilities for continued education of naturalized citizens by the Government of this country are not adequate.

According to the grand jury's report, many of the witnesses, who were naturalized citizens and who had lived here for a number of years, were virtually unable to speak or understand English; many

[96a] U. S. Senate Committee on the Judiciary, hearings on S. 1832, 81st Cong.
[97] Pamphlet issued by Sons of the Revolution in the State of New York, 1944, p. 3.

could not read or write English, while others appeared to be wholly illiterate. A great number were found to be completely ignorant of the basic principles of our form of government and devoid of any concept of the fundamental rights and duties of citizenship.

The jury indicated that a better education of immigrants, regardless of whether the privilege of naturalization was exercised, is urgently needed. It recommended that all applicants for citizenship by naturalization "be required to speak, read, and write the English language on at least an eighth-grade level and to pass satisfactorily an examination with respect to the fundamental principles of our American form of government and the traditions of its democracy, provided they manifest sympathy with and loyalty to said traditions." It was also indicated that little stress has been placed upon instruction in patriotism and citizenship of the resident alien.

An investigator for the citizens' committee of the New York Bar Association asserted that the problem is not merely a matter of the degree of efficiency in instruction in such courses as American history, civics, economic citizenship; as he put it:

> I think it is the absence of a course which deals with the fundamental principles of Americanism. As the courses now stand, fundamental principles receive but passing attention, while the focus is placed upon the subject matter of a particular course. * * * The great principles of liberty and democracy are deserving of a formal course in their own right. These principles are prior in order and in time to American history or civics or economic citizenship.[98]

An official of the Department of Justice stated that the Department's examinations cannot ascertain directly the patriotic intent of the applicant nor ascertain definitely his adherance to the principles of our Bill of Rights. With the 600 cases for naturalization considered per day by the Federal Naturalization Court sitting in New York (January 1944), little examination of the patriotism of the individual can be heard by the judge.

In the District of Columbia, the public schools conduct an Americanization department which works closely with the Naturalization Service office and is represented at the court at every naturalization hearing. It uses the Federal Textbook on Citizenship issued by the Naturalization Service. Such facilities are not, however, everywhere available.

The Society of the Sons of the American Revolution in the State of New York, at the conclusion of the study of its special immigration committee, adopted the following resolution:

> That all immigrants or visiting aliens * * * who are under 45 years and over 15 years of age be required, * * * as a condition for remaining therein (within the United States) for a period of more than 2 years, to study a prescribed course to be given in the English language (under the direction of a board duly constituted by law for that purpose) dealing solely with the great principles of liberty and democracy formulated in the Declaration of Independence and contained in the Constitution * * *.

The society further resolved that an immigrant desiring to remain in this country for more than 2 years must first successfully pass both a written and an oral examination in English. He must also have received a certificate from a qualified official that he is well grounded in and has a thorough understanding of the principles of liberty and democracy and would be willing to defend the United States against attack by anyone, within or without, who would undermine such

[98] Ibid., p. 13.

principles. All aliens seeking admission to citizenship in the United States would be required to pass a like test and receive a like certificate.[93]

b. Illiteracy

In comparison to the native white population, the illiteracy rate of foreign-born whites is relatively high, although it is less than the illiteracy rate among Negroes. The following break-down shows relative illiteracy [1] among these groups in 1880 and 1930: [2]

Group:	*Percent*
All classes	4.3
Negro	16.3
Foreign-born white	9.9
Native white	1.5

A similar break-down for the year 1880 is as follows:

Group:	*Percent*
All classes	17.0
Negro	70.0
Foreign-born white	12.0
Native white	8.7

The Immigration and Naturalization Service reports the following information on illiterate immigrants, those unable to read or write in any language, admitted during the years ended June 30, 1935 to 1948: [3]

Illiterates	1935–1939	1940–1944	1945	1946	1947	1948
Number	5,786	1,652	416	379	1,309	2,766
Percent	2.1	.8	1.1	.3	.9	1.6

Comparative illiteracy statistics of the 1930 census show the following facts: [4]

1. Total foreign-born white population, 10 years of age and over, in the United States was 13,216,928, of which 1,304,084 or 9.9 percent were illiterate. Of this total, 7,078,223 were white males, with 573,977 or 8.1 percent illiterate; 6,138,705 were white females, with 730,107 or 11.9 percent illiterate. The lowest percentage of illiteracy occurred in the age group from 10 years to 24 years, with only 2 percent. The highest percentage of illiteracy occurred in the age group of 45 years of age and over, of which 12.1 percent were illiterate.[5]

2. The total native-white population of foreign or mixed parentage, 10 years of age and over, in the United States in 1930 was 20,887,328, of which 116,605, or 0.6 percent were illiterate. Of this total, 10,287,806 were white males with 62,736 or 0.6 percent illiterate; 10,599,522 were white females, with 53,929 or 0.5 percent illiterate. The lowest rate of illiteracy occurred in the age group from 10 to 24 years, while the highest in the age group of 45 years and over.[6]

3. The total native-white population of native parentage, 10 years of age and over, in the United States in 1930 was 53,876,411, of whom

[93] Ibid., pp. 20–21.
[1] The Census Bureau defines as illiterate any person 10 years of age or over who is not able to read and write, either in English or in some other language.
[2] Warren S. Thompson, Population Problems (1942), p. 120.
[3] Immigration and Naturalization Service, Annual Report, 1946, table 10a, and 1948, table 10a.
[4] U. S. Bureau of the Census, Census of 1930 (1933), vol. II, ch. 13.
[5] Ibid., pp. 1315–1316.
[6] Ibid., pp. 1317–1318.

986,469 or 1.8 percent were illiterate. Of this total, 27,188,095 were white males, with 577,312 or 2.1 percent illiterates; 26,688,316 white females, with 409,157 or 1.5 percent illiterates.[7]

The decidedly higher percentage of illiteracy for the native whites of native parentage than for the native white of foreign or mixed parentage results mainly from the fact that a much larger proportion of the former class are found in the rural communities, where school attendance has been less general than in the cities. Further, most of the rural native whites of foreign or mixed parentage live in States where educational facilities, even in the country, are relatively good. In order to make a fair comparison between these two elements of the population, in regard to illiteracy, the statistics for urban and rural areas must be examined separately:

1. Of the total native-white population of foreign or mixed parentage, 10 years of age and over, in the United States in 1930, 15,158,412 (75 percent) were living in urban areas, of them 60,369 (0.4 percent) were illiterate; 2,859,002 were living in rural farm areas, of which number 26,212 (0.9 percent) were illiterate; 2,869,914 were living in rural nonfarm areas, of which number 30,084 (1 percent) were illiterate.[8]

2. Of the total native-white population of native parentage, 10 years of age and over, in the United States in 1930, 26,382,359 (50 percent) were living in urban areas; 163,227 (0.6 percent) were illiterate; 15,264,565 were living in rural farm areas, of which 533,412 (3.5 percent) were illiterate; 12,229,486 were living in rural nonfarm areas, with 289,830 (2.4 percent) illiterates.[9]

Statistics also indicate that a much greater percentage of native white in this country are attending school than are foreign-born white. In 1940, for example, out of a total of 40,536,213 native whites between the ages of 5 and 24 years, 23,725,696 (58.5 percent) were attending school.[10]

Out of a total of 449,629 foreign-born whites between the ages of 5 and 24 years, 170,186 (37.9 percent) were attending school.[11]

In 1940, out of a total of 57,038,335 native whites 25 years of age and over, 1.3 percent had completed no years of school, 36 percent had completed 7 or 8 years of school, 16.6 percent had completed 4 years of high school, and 5.4 percent had completed 4 or more years of college.[12]

Figures for 10,961,188 foreign-born whites, 25 years of age and over, show that 12.2 percent had completed no years of school, 36.4 percent had completed 7 or 8 years of school, 7.4 percent had completed 4 years of high school, and 2.3 percent had completed 4 years or more of college.[13]

These statistics bear out the statement of the New York Federal Grand Jury previously given that a better and more complete educational program for aliens and foreign-born in this country is highly to be desired.

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[7] Ibid., p. 1223.
[8] Ibid., p. 1227.
[9] Ibid.
[10] U. S. Bureau of the Census, Census of 1940 (1943), Characteristics of the Population, vol. II, table 11, p. 33.
[11] Ibid.
[12] Ibid., tables 12 and 13, pp. 40 and 41.
[13] Ibid.

c. Background and objectives

The objectives of citizenship education for the foreign-born were originally not clearly defined. It was generally assumed that the immigrants who came here to make this country their home would, as a matter of course, become citizens. For the most part these first immigrants were English speaking.[14]

The influx of more non-English-speaking persons, however, caused increased emphasis to be placed upon instruction in English. The assumption being that if the immigrants could speak English and perhaps read and write it with reasonable facility, they would gradually acquire the knowledge and skills necessary to functioning citizenship.

This emphasis upon the teaching of English continued until just before the First World War. The great influx of south European immigrants, especially from 1880 to 1910, served to focus attention on the problem of teaching the foreign-born not only our language but also something of our history and the principles of our Government. These newcomers were strangers to our methods of thought, our traditions, our manners, and our customs, and were likewise not accustomed to our way of political and civic life. The attitude of the time just prior to World War I is well summarized in a statement that appeared in a publication of the United States Bureau of Education in 1913: [15]

> The millions of adult men and women, and of children older than the upper limit of the compulsory school-attendance age, must be looked after; they must be prepared for American citizenship and for participation in our democratic industrial, social, and religious life; they must be given sympathetic help in finding themselves in their new environment and in adjusting themselves to their new opportunities and responsibilities.

The organization of citizenship classes by public schools had been recommended by the Bureau of Naturalization as early as 1909. In 1914, plans leading toward extensive cooperation on the part of the Bureau and the schools were developed, and, in 1916, the Bureau published an Outline Course in Citizenship designed to encourage schools in establishing programs that would help the noncitizen to learn how to assume the responsibilities and rights, and perform the duties of citizenship.[16]

The First World War caused an increase in nationalism in this country and firmly established the objective of imparting to immigrants a knowledge of our history and Government. As the fears induced by the war subsided, an increased desire to search the culture of the foreign-born for those aspects of it that would make a real contribution to the American way of living was shown.

From 1933 to 1941, certain of the earlier objectives were modified and new ones were added. Since the depression years had made everyone "job" conscious, instruction was given in getting and working at a job. Unemployment brought an awareness of the Nation-wide need for knowing how to use free time wisely, and thus caused instruction to be provided at the adult level in the worthy employment of this leisure time.[17]

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[14] Dr. Victor P. Morey, Present Objectives of Citizenship Education, Monthly Review, U. S. Immigration and Naturalization Service, December 1945, pp. 233-234.
[15] Ibid., p. 234.
[16] Ibid., p. 234.
[17] Ibid., p. 236.

In 1941, the national citizenship education program, a joint undertaking of the Works Projects Administration, United States Office of Education, and Department of Justice, was established. One of its achievements was a statement of the major areas of living that should be considered in the development of meaningful educational objectives, as follows:[18]

1. Becoming a citizen.
2. Discharging the duties and responsibilities of citizenship and enjoying its privileges.
3. Developing basic democratic allegiances.
4. Getting and working at a job.
5. Making a home.
6. Developing leisure-time activities.
7. Maintaining health and safety.

On January 1, 1936, instructions regarding a definite and uniform procedure for examining applicants for citizenship were issued to field officers by the Immigration and Naturalization Service. The instructions emphasized examination of the applicant with respect to his familiarity with and attachment to the principles of the Constitution, rather than mere memorization of facts and phrases. The Nationality Act of 1940 authorizes the Commissioner to prescribe the scope and nature of the examination of the petitioner for naturalization.[19]

That the candidates may prepare themselves adequately, the Commissioner is authorized to promote instruction and training in citizenship responsibilities of applicants including the sending of names of candidates for naturalization to the public schools, preparing and distributing monthly an immigration and naturalization bulletin, and securing the aid of and cooperating with official State and national organizations, including those concerned with vocational education.[20]

In March 1947, the Attorney General appointed an advisory committee on citizenship to carry out the comprehensive program of the Department of Justice to emphasize the worth and meaning of American citizenship.[21] The program is designed to stress the significance of American citizenship, from the alien's entry up to and also beyond the time of the induction ceremony.

d. Recruitment

A good citizenship education program for the foreign-born depends upon an effective recruiting plan. Such a program, in order to be considered effective, must reach a sizable portion of those to be naturalized.

In order that the public schools may be able to offer the alien the opportunity of a more adequate preparation for citizenship duties and responsibilities, it is essential that the names of aliens be furnished the schools as soon as possible. The Immigration and Naturalization Service has been assisting the public schools by furnishing to them the names and other personal data on aliens living in areas offering citizenship educational programs through the schools. In addition, numerous social-service agencies, as well as various civic and patriotic organizations, are promoting recruitment programs and are otherwise cooperating with the schools and with the Immigration

[18] Ibid.
[19] Nationality Act of 1940, sec. 327 (b).
[20] Ibid, sec. 327 (c).
[21] Interpreter Release, May 21, 1947, p. 126.

and Naturalization Service in the assimilation of the foreign-born into the American way of life.[22]

In an address delivered at the Twenty-third Annual Convention of the American Legion Auxiliary, Washington, D. C., August 19, 1948, Commissioner Watson B. Miller of the Immigration and Naturalization Service stated:

> I am mailing a personal letter of greeting to each arriving immigrant, calling attention to the value of such public school classes in preparing for citizenship and you may render a valuable service to your Nation and community by consulting your board of education and superintendent of schools and aiding them in having set up the necessary facilities and by encouraging individuals to attend such classes. The Immigration and Naturalization Service will gladly furnish the required textbooks, and will send through its field district directors the names of candidates for naturalization, and newly arrived immigrants who have come to the United States for permanent residence.[23]

A study made in January 1946, in the Detroit Immigration and Naturalization District on the formal educational background, nationality, age, and participation in citizenship instruction of aliens in the Detroit area disclosed the fact that a high percentage of applicants for naturalization have a definite need for further educational training. Probably 70 percent of the applicants for citizenship in this country may be considered as prospective students.[24] During the first 3 months of 1946, only about one-fourth of the persons naturalized throughout the country for this period had, however, enrolled in any citizenship instruction program. These facts indicate that only a relatively small percentage of aliens needing such a program are participating.

One technique now being used as a recruiting device is the citizenship rally. Letters are sent to aliens inviting them to attend a meeting. While these meetings are sponsored by the schools, other community agencies, as well as representatives of the Immigration and Naturalization Service, lend their assistance.[25] During the school year 1945–46, it is estimated that over 1,500 new students were enrolled in citizenship classes in the Detroit district alone through the citizenship rally plan.

e. Facilities

(1) General

By Section 327 (c), Nationality Act of 1940, the Records and Educational Division of the Immigration and Naturalization Service is made responsible for promoting instruction and training in citizenship responsibilities of applicants for naturalization, including supervision of the preparation, publication, and distribution of the citizenship textbook authorized by that subsection and by section 344.

Reports from the Immigration and Naturalization Service indicate that approximately 3,000 citizenship classes were conducted during the school year 1944–45, with a total enrollment of over 80,000.[26] Approximately 200 new public school classes in English and citizenship were established during the fiscal year 1947, as compared with 128 for the previous year. During the same year, nearly 100,000 alien citizenship applicants were referred to public school classes by

[22] U. S. Immigration and Naturalization Service, Monthly Review, February 1946, p. 261.
[23] Immigration and Naturalization Service, Monthly Review, September 1948, p. 30.
[24] William R. Kelly, Recruitment for Citizenship Classes, Monthly Review, U. S. Immigration and Naturalization Service, June 1946, pp. 317–318.
[25] Ibid, p. 319.
[26] U. S. Immigration and Naturalization Service, Monthly Review, August 1945, p. 180.

the Immigration and Naturalization Field Service, while the names of an equal number of new immigrants were furnished public school officials by the central office of the Immigration and Naturalization Service.[27] During the fiscal year 1948, over 80,000 names of newly arrived immigrants were transmitted to the public schools through the field offices of the Immigration and Naturalization Service.[28]

While citizenship education is being carried on in most States, the ultimate goal has probably not yet been reached. Additional educational facilities for both citizens and noncitizens are needed in order to reach the greatest possible number of those in need of this type of training.[29]

(2) Citizenship textbook

In 1918, the Bureau of Naturalization was authorized by Congress to publish a citizenship textbook to be distributed without charge to candidates for citizenship who were in attendance in the public schools.[30] Major emphasis has been placed upon the use of such textbook material as will provide a historical background of our Constitution and Government and which will familiarize the candidates for naturalization with the way in which our Government operates.

(3) Home study programs

To those candidates for naturalization who, for various reasons, are unable to attend citizenship classes, a home study course based upon the simplified edition of the Federal textbook on citizenship is available.[31] This program consists of a series of 21 lessons which the candidate prepares from time to time and sends to his correspondence center for grading. An applicant for the home study course is first interviewed by a teacher in his locality to determine whether or not the applicant is capable of taking the course. When it has been determined that the applicant has the requisite ability, the interviewer notifies the proper authorities and the applicant is regularly enrolled. While results of the home study program have been gratifying, the course is not and never can be a successful substitute for good classroom teaching. It does, however, offer the best solution thus far devised for citizenship education outside urban areas.[32]

(4) I Am an American Day

For a number of years, community ceremonies or receptions welcoming "new citizens" have been held in various localities throughout this country. A joint resolution passed by Congress and signed on May 3, 1940,[33] designated the third Sunday in May as "I Am an American Day," to be observed throughout the country as national citizenship day. Various civic, fraternal, and patriotic groups participate each year in these celebrations. Each community is permitted to choose its own form of observation of the day and a committee of local leaders is placed in charge of drawing up the program.

During the fiscal year 1948, approximately 6,000 copies of the President's "I Am an American Day" proclamation were distributed to

[27] Immigration and Naturalization Service, Annual Report, 1947, p. 36.
[28] Immigration and Naturalization Service. Annual Report, 1948, p. 51.
[29] U. S. Immigration and Naturalization Service, Monthly Review, August 1945, pp. 182-184.
[30] 40 Stat. 542, 544.
[31] Citizenship Text book Materials, Monthly Review, U. S. Immigration Service, August 1943, p. 9.
[32] Arthur P. Crabtree, Citizenship Education by Mail, Monthly Review, U. S. Immigration and Naturalization Service, May 1944, pp. 6-7.
[33] 54 Stat. 178.

various educational, civic, religious, patriotic, fraternal, and other organizations. In addition, the Immigration and Naturalization Service prepared A Bulletin of Suggestions for Citizenship Day Celebrations, 1948, of which approximately 2,500 copies were furnished to such organizations, as well as to the general public.[34]

f. Role of relief organizations and social-welfare agencies

(1) Introduction

Immigrants coming to this or any other country almost always face difficult problems of adjustment. They have left behind all that is familiar and must establish themselves in a strange environment, find a job, learn a new language, and gain an understanding of and an appreciation for a new set of customs and ideas. Separated from former friends and associations, they must endeavor to find a place in a community whose attitudes and standards they do not understand.

Although the United States has been one of the chief immigrant-receiving countries of the world, the Federal Government has never sponsored an extensive official program to aid in the adjustment and assimilation of immigrants. As has been previously mentioned, the activities of the United States Immigration and Naturalization Service in this field have consisted principally of encouraging local agencies to provide citizenship classes and of preparing textbook material for the use of naturalization candidates who are attending our public schools. While a few States, such as Massachusetts, Delaware, and California, have supported public agencies to assist the foreign-born, especially in citizenship education, most of the agencies promoting immigrant welfare have been privately organized and supported.[35]

Many patriotic, religious, and social-welfare agencies throughout the country have taken the initiative in the task of Americanization and have achieved remarkable results. Such organizations as the American Legion, Veterans of Foreign Wars, the Church World Services, the National Catholic Welfare Conference, and other similar groups have been of invaluable assistance in the work of integrating the immigrant into the American way of life.

(2) Agencies established by immigrants

The commonest type of immigrant organization is the mutual or benefit society, which generally serves as both a social center and as a center for the exchange of information about America and the American way of life. Probably, the majority of these societies adhere fairly closely to their primary objective of mutual insurance. Many engage, however, in other activities, such as welfare work, health education, general education, dramatics, music, athletics, and naturalization aid for noncitizen members.[36]

It has been estimated that between 60,000 and 70,000 miscellaneous organizations of this type have been in existence at one time or another. While most of these societies are small and chiefly neighborhood enterprises, some, established many years ago, now have large membership and wealth. For instance, the Polish National Alliance had a membership of approximately 275,000 in 1940. These figures

[34] U. S. Immigration and Naturalization Service, Annual Report, 1948, p. 52.
[35] Maurice R. Davie, Refugees in America (1947), p. 93.
[36] Marian Schisby, Private Agencies Aiding the Foreign-Born, Annals, American Academy of Political and Social Science, September 1942, p. 185.

indicate the continuity and importance of the role which these organizations have played in the life of their respective national groups.[37]

It has been stated that such immigrant organizations as those mentioned above deter the assimilation of the immigrant into our society. Others, however, assert that while such organizations may perhaps slow down the process, they have been of inestimable value as a stabilizing force, affording the immigrant that sense of "belonging" and security which he needs while he is fitting into a new social milieu.[38]

(3) American agencies

In addition to the immigrants' own institutions, many American agencies have been established to promote the adjustment and assimilation of the foreign-born. While most of these agencies were established during or after the First World War, a few date as far back as the early years of this century.[39]

The large majority of these social agencies are organized to deal with immigrants on the basis of their specific need rather than along the lines of nationality or race. Various specialized services designed to assist immigrants with regard to particular problems include port service and traveler's-aid work at time of arrival; technical information and help in exclusion, deportation, repatriation, and change of immigration status cases; technical assistance in connection with naturalization; international case work and assistance in bringing relatives over to this country; and establishment of classes in English and citizenship training.

Specialized organizations exist today in many cities throughout the country. Some of these, such as the Common Council for American Unity, National Catholic Welfare Conference, National Council on Naturalization and Citizenship, the National Institute on Immigrant Welfare, National Board of the Young Women's Christian Association, and Hebrew Immigrant Aid Society, are of more than local influence. In many localities, branches of national agencies such as the Young Men's Christian Association, Salvation Army, and the National Traveler's Aid Society afford many of the services of the specialized agencies.[40]

The various religious faiths have operating organizations which assist the immigrant. Jewish groups, such as United Service for New Americans (USNA), Hebrew Immigrant Aid Society (HIAS), and National Council of Jewish Women, have been especially active in this type of work. A representative of HIAS, who appeared before the subcommittee, described in some detail the work of this particular agency in rendering aid to immigrants in the solution of their various problems. HIAS operates a pier service, by which individuals meet boats coming in, receive the immigrant, and assist him in getting to his final destination. Aid is given the immigrant in the matter of jobs and housing, as well as in education and citizenship training through schools and classes. HIAS has offices in Paris, London, Denmark, Spain, Italy, and Palestine, where the intending immigrant may secure assistance in preparing various papers and documents and securing visas, passports, and other items.

[37] Kalnay and Collins, The New American (1941), p. 233.
[38] Schisby, op. cit., p. 184
[39] Schisby, op. cit. pp. 185-186.
[40] Ibid., pp. 186-187.

The statement was made that roughly 90 percent of the immigrants coming here from Europe receive aid from some voluntary agency. Nonimmigrants, visitors, students, and others, are given similar assistance by voluntary agencies. Some of these agencies have representatives stationed at Ellis Island, where they have an opportunity to meet the immigrant directly upon his arrival.

The representative of another welfare group, who appeared before the subcommittee, stated that her organization had printed a simple interpretation of the Nationality Code, which was used by volunteer workers of the agency to assist in giving advice and counsel to aliens coming to them for help in completing their naturalization.

(4) Refugee agencies

The refugee movement which originated with the Bolshevik Revolution and the rise of Hitler to power in 1933 created a special type of recent immigration to this country. In many ways, the process of adjustment to life in the United States has perhaps been more difficult for the refugee than for the usual immigrant, because of the peculiar circumstances of refugee immigration and the types of individuals it comprised. The refugee, who was forced by outside pressures and affected with comparative suddenness, was not as well prepared for life in this country as was the regular immigrant, whose migration was voluntary and which had had careful advance planning. Moreover, such problems as language, age, finances, emotional tension, and insecurity often combined to make the situation of the refugee extremely difficult.[41]

There were two basic reasons for the creation of refugee agencies:

1. Existing private social welfare agencies were not prepared organizationally or financially to meet the peculiar and pressing problems which the refugees brought with them;

2. Political necessity brought about their existence, particularly after the outbreak of World War II.[42]

The problem of refugees has been vastly complicated by the extension of Soviet aggression both in Europe and Asia which has forced millions of people from their homes and has driven terror-stricken multitudes into other areas of the world to escape from Soviet brutality and persecution.

The Inter-Governmental Committee on Refugees (IGCR) was active in the refugee field both during and after the war.[43] Its functions, as well as the refugee activities of the United Nations Relief and Rehabilitation Administration (UNRRA) were taken over in July 1947 by the Preparatory Commission for the International Refugee Organization (PCIRO) and later the International Refugee Organization (IRO). The Immigration and Naturalization Service has estimated the number of refugees admitted during the fiscal years ended June 30, 1934–43, to be 279,091 immigrants and 228,068 nonimmigrants.[44]

The War Refugee Board of the United States was created by Executive order of the President on January 22, 1944, and had as a part of its work program the development of plans and measures for

[41] Maurice R. Davie, Refugees in America (1947), p. 84.
[42] A. D. Greenleigh, The Work of Refugee Agencies in the United States, National Conference of Social Work (1941), p. 209.
[43] Maurice R. Davie, Refugees in America (1947), p. 403.
[44] U. S. Immigration and Naturalization Service, Monthly Review, February 1944, pp. 3-4.

(1) the rescue, transportation, maintenance, and relief of refugees, and (2) the establishment of havens of temporary asylum for such persons. The Board had representatives, who were given special diplomatic status, in strategic neutral countries such as Switzerland, Sweden, and Turkey. In its work, the Board had the collaboration of those neutrals, as well as the Vatican, International Red Cross, and other international organizations.[45]

Among the private agencies that have aided the refugees abroad are the American Joint Distribution Committee, the World Jewish Congress, the American Friends Service Committee, the Unitarian Service Committee, the War Relief Services of the National Catholic Welfare Conference, the International Rescue and Relief Committee, the Hebrew Sheltering and Immigrant Aid Society, Hadassah, the Jewish Labor Committee, various Zionist Organizations, the National Refugee Service, and others.

During the fiscal years ended June 30, 1933, to 1943, a total of 168,128 Jewish immigrants were admitted on permanent visas from all countries. They constituted 33.6 percent of the total immigration (499,998) during that period. The great majority of them (160,718) were born in Europe and comprised 44.9 percent of all European immigrants (357,261) admitted during those years.

Perhaps the largest agency offering assistance to arriving refugees is the National Refugee Service, an organization which, though nonsectarian by the terms of its incorporation, has been supported by Jewish funds. This agency was established in 1939 as a single multiple-function agency to carry on the work handled previously by a number of independent agencies. Besides a service and relief department, it maintained a migration department, a department to give aid in naturalization and citizenship, a department giving loans for self-support in business and professional enterprise, a retraining and a resettlement division, and a division for social and cultural adjustment.[46]

Other general refugee-receiving agencies have been organized by Christian groups. In 1934, the American Committee for Christian German Refugees, which later changed its name to the American Christian Committee for Refugees, Inc., was set up by the Protestants. In 1936, a Catholic Committee for Refugees was likewise set up and furnished a variety of services to Catholic refugees. The American Friends Service Committee established a special refugee division in 1938, which has sponsored extensive overseas activities and has set up offices to aid refugees in various cities in the United States.[47]

Comparative figures indicate larger expenditures by the National Refugee Service than by the other relief agencies. Expenditures of the National Refugee Service exceeded $2,000,000 each year between 1939 and 1942 and reached a peak of $3,500,000 in 1940, whereas the combined expenditures of the three Christian organizations for refugees totaled only between $300,000 and $400,000 a year in this period.[48]

A substantial part of the budget of the refugee agency has been for cash assistance. In 1940, for example, the NRS spent about $1,800,000 out of $3,500,000 for cash relief. As of 1941, 70 percent

[45] Maurice R. Davie, Refugees in America (1947), p. 12.
[46] Maurice R. Davie, op. cit., pp. 96–97.
[47] Ibid., pp. 97–98.
[48] Ibid., p. 98.

of the cases receiving relief had been in the United States for a year or more and had been on relief for 13 months.[49]

In addition to these general agencies, a number of agencies and committees were established by various denominations of the Christian church. While most of these agencies sponsored special types of aid, they usually referred refugees of their faith to the American Christian Committee for Refugees for general types of service.

The problem of resettlement of refugees has been one of the most important for the agencies. Refugees in New York, the principal port of entry, have tended to huddle together in little alien colonies, associate only with their own group and speak only their native language. Obviously, this retards their Americanization and the concentration of the refugee population in one locality tends to overemphasize the size of the problem involved.[50] Resettlement is not a general panacea for this condition, but it offers a better opportunity for social and economic adjustment.

During the first few years after 1934, resettlement was carried out on the basis of a specific job for an individual in a given community. Later, when the number of refugees to this country increased, general resettlement on a quota basis was promulgated.

Two refugee hostels, one near West Branch, Iowa, and the other near Richmond, Ind., have been established by the American Friends Service Committee. Trained workers are in residence at these places to assist in orientation and placement work.

(5) Displaced persons agencies

Welfare agencies have also assisted displaced persons brought into the country under the President's directive of December 22, 1945, and, since June 30, 1948, pursuant to the Displaced Persons Act of 1948.

The IRO and its interim agency, PCIRO, were created by the General Assembly of the United Nations as agencies to deal with all phases of the refugee and displaced-persons problems. These agencies have been assisted in their activities by the various voluntary organizations. As of September 1948, at least 25 of these voluntary agencies (either international in character or originating in a specific country) were providing personnel, goods, and services in support of IRO operations in Germany, Austria, and Italy, under specific agreements with the IRO.

For some time, voluntary relief agencies have been initially financing the transportation costs of most displaced persons who have been received into the United States. Since this cost ranges from $150 to $250 per person, it is doubtful if these agencies can continue to finance transportation costs of any substantial number of displaced persons, in addition to financing reception, resettlement, and other welfare services.[51]

IRO is employing the linguaphone method of teaching languages to displaced persons who are preparing for emigration. French and Spanish, as well as English, are being taught. In addition to use of the linguaphones, IRO also has about 500 language teachers at work in the three zones of Germany teaching regular classes. Approxi-

[49] A. D. Greenleigh, The Work of Refugee Agencies In the United States, National Conference of Social Work (1941), p. 213.
[50] Ibid., p. 212.
[51] S. Rept. No. 950, 80th Cong., Displaced Persons in Europe, p. 49.

mately 20,000 language textbooks are in circulation among displaced persons.[52]

The voluntary agencies operating in Europe have also taken an active part in language training programs. In October, it was reported that the World Organization for Rehabilitation through Training (ORT), working in conjunction with IRO, was providing 52 language teachers and was sponsoring the teaching of 2,766 students. Another agency, the YMCA, supplied 14 teachers, and was responsible for the instruction of 279 persons.[53]

Church World Service, another social welfare agency, reports that the English training programs are being enthusiastically received by the displaced persons. At the Language Institute at Lauf, Germany, accommodations are provided for 180 advanced students, most of whom have had previous teaching experience, who devote full time to the study of English for a period of 3 months, after which they return to the camps and assembly centers to organize English classes among other displaced persons. The courses given at Lauf are reported to be so successful that after 3 weeks' instructions, students are able to use English without translating mentally into their own language. To insure the widest possible knowledge of English among displaced persons, IRO also reviews individual records of persons in order to locate those who do not speak English, after which an attempt is made to insure their instruction in English.[54]

Surveys recently completed indicate that a considerable percentage of the employable displaced persons population is now acquainted with English. For example, approximately 35 percent of Baltic displaced persons speak English. The number of English-speaking displaced persons of other nationality groups varies in accordance with the opportunities which they have had previously for learning English.[55]

(6) Communist organizations

The Communist Party has not neglected the opportunities offered by the presence of confused, troubled, and unassimilated elements in the United States. It has actively engaged in subverting both immigrants and refugees with the obvious purpose of preventing their becoming acclimated to the American way of life or devoted to American institutions. Unfortunately, the party has had eminent success in many of these fields of activity as shown by the high percentage of aliens and foreign-born persons in party activities and fronts.

In its work, the Communist Party has created a number of subsidiary organizations to do its work behind the screen of relief, rescue work, or other form of assistance to foreign-born persons. Among these handmaidens of the Communist Party are the Joint Anti-Fascist Refugee Committee, whose beneficiaries have been such "refugees" as Gerhart Eisler, agent of the Comintern; the American Committee for the Protection of the Foreign-Born, which has been particularly active in attempting to rescue Communist aliens from deportation or from denial of citizenship; the Civil Rights Congress, legal arm of the Communist Party, which serves as a general collecting and

[52] International Refugee Organization, News Digest, January 14, 1949, p. 2.
[53] Ibid.
[54] Ibid, p. 3.
[55] Ibid.

defense agency for all varieties of Communists who have run afoul of the laws of the United States.

7. SUMMARY

Perhaps the chief shortcoming on the part of relief agencies in the early period of their existence has been the multiplicity of such organizations, coupled with the lack of central planning and coordination. This situation has, however, been remedied to some degree during the past few years, through the establishment of a Refugee Consultative Council, composed of the American Friends Service Committee, American Committee for Christian Refugees, Catholic Committee for Refugees, National Refugee Service, and United States Committee for European Children.

Through the American Council of Voluntary Agencies for Foreign Service, 54 American voluntary agencies coordinate their plans and activities, not only among themselves, but also with nonmember agencies and with governmental and intergovernmental agencies at home and abroad. The council, which was organized in 1943, has been especially active in its efforts to assure maximum use of contributions by the American people for the relief and rehabilitation of people overseas.

Another area of activity in which the voluntary agencies need to improve is in the field of public relations. A great amount of work is necessary in order to arouse the interest of, and to secure active participation by, a larger segment of the population in the problem of immigrant assistance.

Finally, careful study of the activities and objectives of the various groups classing themselves as organizations for aiding and assisting aliens and the foreign-born should be maintained by responsible Government agencies, in order to guard against the possibility of the use of such welfare organizations as "fronts" for subversive elements or groups. Both the Senate Immigration and Naturalization Subcommittee and the House Un-American Activities Committee have recently given attention to the activities of the American Committee for Protection of the Foreign-Born, an organization listed by the Attorney General as Communist. It is probable, however, that the majority of relief organizations assisting aliens and foreign-born are doing a very commendable job, and have the best interests of this country at heart.

K. RELIGION

1. INTRODUCTION

By far the most permanent institutions brought to the Western World by the immigrants is their religion. Many religious faiths and sects have been transplanted and have had a deep influence upon the organized religious life of this country.

Most of our organized institutions of religion have their roots abroad. With the early colonists came the Congregational, Presbyterian, Episcopal, Baptist, Lutheran, and Dutch Reformed, Roman Catholic Churches, and the Society of Friends. The eighteenth

century immigrants strengthened all these churches and added many of their own, among them the Methodist, Evangelical, German Reformed, and United Brethren Churches, the Mennonites, Dunkers, Moravian Brethren, and Scandinavian Evangelical bodies.

Subsequent immigration reinforced some of these churches and bodies, especially the Lutheran and Reformed groups, but more particularly, it made a larger place in our American life for the Roman Catholic Church, and the various Eastern Orthodox faiths—Greek, Russian, Serbian, Rumanian, Syrian, and Ukrainian—as well as Judaism.

The Negro denominations are, of course, of American origin, most of them having come into being in the period immediately following the Civil War. Among the larger religious groups entirely of American origin are the Disciples of Christ and related Christian Churches, Pentecostal, Adventist, and similar denominations, the Church of the Latter-Day Saints, and the Church of Christ, Scientist (Christian Scientist).

2. RELIGION AS A FACTOR IN IMMIGRATION

a. General

In the molding of our American civilization, religion has played a decisive part. European immigrants transplanted into American soil their Old World faith and religious institutions. For the most part, the immigrants were a deeply religious people and their churches occupied a central and dominant place in their lives.

Religious bodies are the oldest nongovernmental forms of organization among all groups of Americans. Religion motivated the migration of the Puritans to New England. It entered into the early development of Pennsylvania. The Germans who settled at Germantown in 1683 were religious refugees, mainly from the Palatinate. William Penn advertised religious freedom in Pennsylvania widely, with the result that Quakers, Scotch and Irish Presbyterians, German Mennonites, and French Huguenots came in considerable numbers. Some Finns emigrated from Russia, because of the religious situation there. The rise of Methodism in England exerted an influence; the Wesleys and Whitefield, apostles of this new sect emphasized the dignity of the individual. America, known as a land not only of economic opportunity but also of religious freedom, attracted many who had been touched by the new gospel.

The religious situation about 1870 was one of the forces responsible for the migration of thousands of southern Slovaks into the coal and steel regions of Ohio, Indiana, and Illinois. Religious conditions in Holland were the fundamental causes of the emigration of the Dutch to Michigan in 1847. Religious differences have also served to motivate the emigration of large numbers of Armenians and Syrians to this country.[56]

In Sweden, dissenters from the established church looked to America as the symbol of freedom, and began to regard emigration as providential. "Religion as a cause of emigration from Sweden is a factor historians cannot ignore, however much they may differ as to its relative importance."

[56] W. C. Smith, Americans in the Making (1939), pp. 4-5; cf. G. M. Stephenson, Historical Aspects of the Immigration Problem (1926), pp. 17-18; G. M. Stephenson, Religious Aspects of Swedish Immigration (1932), p. 9.

Jews have, for similar reasons, emigrated to the United States in large numbers. Spanish, Portuguese, and Russian Jews have come to New York and other areas. Some 60,000 arrived from Spain and Germany between 1830 and 1850.[57] Between 1881 and 1943, there was a net increase of 2,499,154 Jewish arrivals over departures.[58]

b. Early religious settlements

The Catholic parish established in St. Augustine, Fla., in 1565 was the oldest known white religious settlement in this country. Catholic missions and parishes in the American Southwest and in California are the oldest non-English religious organizations in this country. The Dutch Reformed Church in New York, which was established in 1628, and the Swedish Lutheran congregations, founded among the Swedish settlers in Delaware about 1641, appear to be the first non-English Protestant religious communities. The first German Lutheran Church in this country was established in New York in 1648, while the first Jewish congregation was organized in 1658 in Newport. In 1683, the first Mennonites came to Pennsylvania, and in 1741, Moravian Brethren settled in the same colony. The first Russian Orthodox Church was founded in Alaska in 1795, and the Panna Maria, Polish Catholic parish in Texas, was established in 1854. The first Finnish Lutheran synod was organized in 1870, while the first Greek Catholic Church serving Carpatho-Russians and Ukrainians was organized in 1885.[59]

c. Intolerance

It should be borne in mind, however, that, despite the fact that religious freedom was one of the attractive inducements held out by most of the Colonies, religious intolerance and discrimination were in early evidence in colonial America. Pennsylvania was the only really tolerant Colony. Anglicans in the South and in New York, Puritans in New England, Quakers in Pennsylvania, Catholics in Maryland, dissenters in Rhode Island—all tended to complicate the religious situation of the time.

3. RELIGIOUS COMPOSITION OF THE "OLD IMMIGRATION"

The bulk of immigrants who came to this country prior to 1880 were from the countries in northern and western Europe,from Belgium, the British Isles, France, Germany, Ireland, the Netherlands, the Scandinavian countries, and Switzerland. While the majority of the immigrants of this period were of the Protestant faith, which embraced a wide variety of sects, there was nevertheless a substantial Catholic group, chiefly among the Irish, French, Belgians, and Germans.

"It is the distinctive fact regarding colonial immigration that it was Teutonic in blood and Protestant in religion." [60] This is, perhaps, the reason why it was possible to develop some degree of national unity out of the heterogeneous nationalities represented among the colonists and, despite the various elements that streamed to the

[57] K. D. Miller, We Who Are America (1943), p. 72.
[58] American-Jewish Yearbook 1946-47, pp. 610-611.
[59] Y. Z. Chyz and Read Lewis, Agencies Organized by Nationality Groups in the United States, Annals, American Academy of Political and Social Science, March 1949, p. 149.
[60] J. R. Commons, Races and Immigrants in America (1907), p. 27.

shores of America, the English language early became so dominant as to give cohesion to the Colonies and eventual unity to the Nation.[61]

The immigrants who arrived after the original colonists were of a racial stock closely related to that of the original settlers. Their language was either the same or similar enough to make the acquisition of English comparatively easy, and their national traditions were harmonious with those already established in America. While there is perhaps some justification for the contention that the population changes prior to 1880 amounted to "a re-forming, on American soil, of the English race, from the same component elements which had gone into it from the beginning in England," [62] yet such a view exaggerated the English character of the American Nation. "British America in 1776 was already one of the great cosmopolitan centers of the world." [63] As early as the middle of the nineteenth century, the American people could be clearly differentiated from the British in many ways.

The English composed 82.1 percent of our population in 1790, the Scotch 7.0 percent, German 5.6 percent, Dutch 2.5 percent, Irish 1.9 percent, French 0.6 percent, and all others 0.3 percent.[64]

No official records were kept of the influx of foreign population to this country prior to 1820. It has been reliably estimated, however, that 250,000 came in during the period from the close of the Revolutionary War to 1820.[65] This period represented a comparative "breathing spell" so far as immigration was concerned. The people here were expending their energies in recovering from the effects of the Revolutionary War and in organizing and setting up the machinery of the new Government. The people in Europe, for the most part, felt that conditions of life in the United States were too uncertain to warrant the still dangerous adventure of crossing the ocean and making their home in a new land.

By 1830, vast new territories were being opened up for settlement. Industry and commerce were expanding and requiring new sources of labor supply. While the South had met its problem by importation of Negro slaves, the other sections of the country required a different type of labor to perform the varied agricultural, commercial, and industrial tasks. As a result, the tide of immigration which had set in by 1830 was to bring to our land during the next hundred years no fewer than 35,000,000 people.[66]

a. Immigration from England, Scotland, and Wales

From 1820 to 1880, a continuous stream of English, Scottish, and Welsh immigrants were coming into the United States, a total of approximately 2.5 million.[67] By and large, this group of immigrants merged their lives rather readily with the lives of the older residents of the country. Immigrants from England adhered largely to such Protestant sects as the Episcopal and Methodist. Scotch and Welsh immigrants were principally Presbyterians.

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[61] K. D. Miller, We Who Are America (1943), p. 34.
[62] H. P. Fairchild, Immigration (1933), p. 134.
[63] K. D. Miller, We Who Are America (1943), p. 36.
[64] H. G. Duncan, Immigration and Assimilation (1933), p. 479.
[65] Brown and Roucek, One America (1945), p. 633.
[66] K. D. Miller, We Who Are America (1943), p. 37.
[67] K. D. Miller, We Who Are America (1943), pp. 48–49.

The 1940 census shows that there were 657,335 individuals born in England or Wales and 279,321 foreign-born from Scotland[68] living in this country.

b. Immigration from Ireland

One of the largest groups to make its way to America during this period of early immigration (1830–80) were the Irish, driven by poverty, famine, and political conditions, to search for freedom and economic opportunity. The 4.5 million who came over—the greater part of them during the middle of the nineteenth century—were originally concentrated in the cities and towns of the eastern seaborad but have through the years become diffused throughout the country.[69]

The Irish are principally Roman Catholic in religion and successive generations have maintained their devotion to the church. They have provided the laity for the new congregations and a large percentage of the clergy. They have also materially supported numerous Catholic schools, colleges, and universities through the country.[70]

The first recorded settlement of Irish colonists was in 1621 on the site of the present city of Newport News.[71] The records of the Massachusetts Colony show that, in 1634, a settlement of "Irish and Scottish gentlemen with considerable quantity of equipment and merchandise" was made on the Merrimac River. An extensive Irish migration occurred during the middle of the seventeenth century and it is estimated that by 1660, 10,000 Irish had been scattered among the Thirteen Colonies.

During the eighteenth century, a flood of Irish immigration occurred, due to a variety of unfavorable social, political, and religious conditions in Britain.[71a] Some 4,200 Scotch-Irish left for America in 1718 and 12,000 annually after the famine of 1740. At least 150,000 came to America within the 50 years preceding the American Revolution.[72]

c. German immigration

The most immediate and impressive fact about the Germans in America is that they have contributed over 25 percent of the present white population of the United States. The English element (including Scots, North Irish, and Welsh) alone exceeds them with about 33 percent of the present white population. The Irish come third with about 15 percent. None of the other numerous national stocks exceeds 5 percent.[73]

The first body of German immigrants arrived on October 6, 1683, at Philadelphia. Their first permanent settlement was established the same year at Germantown on a tract of land purchased from William Penn. The Germans tended to scatter more widely than the Irish, settling in New York, Pennsylvania, Ohio, Indiana, Illinois, Wisconsin, Minnesota, Iowa, Missouri, Nebraska, Texas, and other areas. In 1775 the Germans constituted about 10 percent of the white population of the Colonies. During the nineteenth century, German

[68] Brown and Roucek, One America (1945), pp. 36 and 39.
[69] K. D. Miller, We Who Are America (1943), pp. 37-38.
[70] Brown and Roucek, One America (1945), p. 51.
[71] Ibid., p. 43.
[71a] Ibid., p. 45.
[72] H. G. Duncan, Immigration and Assimilation (1933), p. 478.
[73] Brown and Roucek, One America (1945), p. 101.

immigration reached its peak and outdistanced all other immigration. Between 1846 and 1854, almost 900,000 Germans arrived. After a decline during the World War era, immigration increased again during the 1920's and continued almost to maximum quota.[74]

The Germans founded three major churches in America: The Lutheran, German Reformed, and United Brethren. In addition, many German sectarian groups such as Mennonites, Amish, and Dunkers came to America, chiefly to Pennsylvania. German Catholics came in large numbers during the nineteenth century and formed a strong organization.[75]

The churches have played a leading part in the preservation of German culture. Through the years, however, the process of Americanization has been progressing. Use of the English language in the churches has rapidly increased. German secular schools have largely disappeared from our cities.

d. Scandinavian immigration

Another group of immigrants who came to America in large numbers during the nineteenth century consisted of Danes, Norwegians, and Swedes. In all, over 2,000,000 Scandinavians have made their homes in the United States, almost half of whom entered during the period between 1871 and 1890. It is estimated that 80 percent of the Norwegian, 40 percent of the Danish, and 30 percent of the Swedish immigrants went directly to the land, chiefly in the Northwestern States, particularly in Minnesota, Wisconsin, Illinois, northern Iowa, and the Dakotas, and later in Oregon and Washington.[76]

Wherever Scandinavian groups congregated in any numbers, a Lutheran church was soon organized. Their church provided for them the strongest bond of union in their new life and the most potent conserver of their distinctive culture. Until 1900, the mother tongue was used almost exclusively, not only in the church services, but also in Sunday schools and confirmation classes.[77]

e. Belgian immigration

In 1940, there were approximately 60,000 foreign-born Belgians and 135,000 Belgians of "foreign white stock" in the United States. Most of them live in Michigan, Illinois, and New York, although they can be found in every State of the Union. Most of the Belgian immigrants are Catholics. In 1940, nearly 70 percent of their foreign-born had been naturalized.[78]

f. Dutch immigration

The total number of immigrants of Dutch birth living in the United States was 111,064, according to the 1940 United States census. Of this number, over 90,000 were living in the States of New York, New Jersey, Michigan, Wisconsin, Iowa, Illinois, and California. The chief religious faith embraced by them is the Dutch and Calvinist Reformed, although a Roman Catholic migration from the Netherlands to this country occurred about the middle of the Nineteenth century.[79]

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[74] Brown and Roucek, One America (1945), pp. 102-104.
[75] Ibid, pp. 112-113.
[76] K. D. Miller, We Who Are America (1943), p. 45.
[77] Ibid., p. 47.
[78] Brown and Roucek, One America (1945), pp. 90-91.
[79] Ibid., pp. 83 et seq.

g. French immigration

As the British influenced the development of New England and the east central colonies, so the French left their indelible imprint upon the surrounding territory. The Jesuit missionaries spread the Catholic faith throughout vast areas of the country, the St. Lawrence and Great Lakes regions, down the Mississippi and throughout the Louisiana Territory.

The Roman Catholic religion is the predominant faith of the French in this country. Between 1820 and 1943, a total of 605,430 persons immigrated to this country from France. In 1940, the number of French-born in the United States was 102,930.[80] Nearly a half million people living in the former settlements of the Louisiana colony continue to speak French.

Among the French elements in the country are the Huguenots, a French Protestant group, which settled along our Atlantic coast.

h. Swiss immigration

The first distinctly Swiss settlement in this country is reported to have been established in 1670 near Charleston, S. C. During the years 1706 to 1707, a number of persecuted Swiss Mennonites went to England. Later, many of their group came to the United States, settling in Pennsylvania and the Carolinas. Overpopulation, coupled with bad economic conditions, caused increased immigration from Switzerland during the early and middle portions of the eighteenth century. The Mennonites, who originally settled in Pennsylvania, began to spread to Ohio, Indiana, Illinois, and farther west.

Nineteenth century Swiss immigration fluctuated. Beginning with over 6,000 in 1800, immigration of Swiss to the United States reached a crest of 12,751 in 1883. In 1940, there were 88,293 foreign-born Swiss in the United States and 77,880 second-generation Swiss.[81]

Many of the Swiss today are of the Mennonite faith. Other churches having Swiss members include the Lutheran, Calvinist, Catholic, and Swinglian.[82]

Swiss names connected with the church in America include: Michael Schlatter and John Zublin, founders and organizers of the Protestant Church in America; Philipp Schaff, nineteenth-century theologian; and Father Kundig, Catholic heroic cholera fighter at Detroit (1843).

4. RELIGIOUS COMPOSITION OF THE "NEW IMMIGRATION"

Between 1880 and 1925, millions of immigrants came to the United States who decidedly altered the composition of the population. So marked was the change in the character of immigration during this period that it has been officially designated the "new immigration," as contrasted with the "old immigration." Whereas the "old immigration" was predominantly Teutonic in race and Protestant in religious belief, the "new immigration" was chiefly Latin, Slavic, and Semitic in race, and Catholic, Orthodox, and Jewish in religious belief.

The United States Immigration Commission officially differentiated between the old immigration and the new immigration in accordance with the country of origin as follows: "Old immigration"—England,

[80] Ibid, p. 98.
[81] Ibid., p. 113 et seq.
[82] Ibid., p. 115-116.

Ireland, Scotland, Wales, Belgium, Denmark, France, Germany, the Netherlands, Norway, Sweden, and Switzerland; "new immigration"—Austria, Hungary, Bulgaria, Greece, Italy, Montenegro, Poland, Portugal, Rumania, Russia, Serbia, Spain, Syria, and Turkey.[83]

It should not be assumed, however, that old immigration ceased after 1880. On the contrary, English, Scottish, Irish, Scandinavian, the German immigrants continued to come into the country year after year, but from 1882 they were increasingly outnumbered by the aliens of the new immigration. By 1907 immigration from the United Kingdom, the Scandinavian countries, and Germany had dwindled to but 11.8 percent of the total immigration instead of 85 percent as had been the case prior to 1882.[84]

a. Southern Europe

(1) Italy

The new immigration was composed preponderantly of three elements: the Italians, the Slavs, and the Jews. The largest contingent from any one country among the new immigrants was from Italy. Prior to 1870, there had been but a sporadic settling of Italians in America. But in the decade from 1871 to 1880, Italian immigrants totaling 55,800 came to this country. Immigration from Italy during succeeding decades is as follows: [85]

	Number
1881–90	307, 300
1890–1900	678, 500
1901–10	2, 145, 900
1911–20 (World War I)	1, 229, 916
1921–30 (restriction on immigration)	463, 800
1931–40 (depression)	65, 870

The percentage of Italians among our foreign-born white population has steadily risen as follows: [86]

	Percent		*Percent*
1900	4. 7	1930	12. 6
1910	9. 9	1940	14. 2
1920	11. 6		

The 1940 census shows 3,766,820 persons of Italian mother tongue living in the United States. Of these, 1,561,100 are foreign-born (a decline of 13.7 percent from 1930), 2,080,680 are native-born of foreign or mixed parentage, and 125,040 are native-born of native parentage whose mother tongue is Italian.[87]

More than any other nationality, except the Jews, the Italians have centered in a few urban centers of the country. New York City is the greatest center for incoming Italians. In 1940, New York had 1,070,000 Italians who contributed 15.5 percent of the total population of the city. In one city block, there are more people from one southern province than there are in the two largest cities of that province combined.[88]

A great majority of the Italians are of the Roman Catholic faith.

(2) Spain

For the Spaniards, more than any other nationality groups, there is a long gap between their important place in the earliest American

[83] K. D. Miller, We Who Are America (1943), pp. 55–56.
[84] Ibid., p. 55.
[85] K. D. Miller, We Who Are America (1943), pp. 58–59.
[86] Ibid., p. 59.
[87] Ibid., p. 59.
[88] K. D. Miller, We Who are America (1943), p. 60.

history and the time when Spanish immigration assumed significance in modern America. From rather insignificant numbers emigrating from Spain during the nineteenth century, a marked increase occurred during the first three decades of the twentieth century.[89]

Period:	*Number*
1901–10	27, 935
1911–20	68, 611
1921–30	28, 958

In the 1930's the trend reversed, only 6,011 came to the United States, whereas 20,112 emigrated between 1931–43. It is estimated that there are between 2.5 and 3 million people in the United States for whom Spanish is the native tongue, although the 1940 census gives the number for whom Spanish is the mother tongue as 1,861,400. The largest concentration is in New Mexico, where two-fifths of the population speaks Spanish.[90]

The Spaniards, dominantly Catholic, center much of their cultural life about the church. In Los Angeles alone there are 17 Spanish Catholic Churches. Both colonials and new immigrants tend to settle in or create new Spanish communities in which their language, customs, and institutions are maintained.[91]

(3) Portugal

The 1940 census shows 176,407 persons of Portuguese stock in this country, of whom 62,347 were foreign-born.[92] The predominant religion is Catholic. The Portuguese have settled principally in California and in New England.

(4) Greece

The increase in the Greek population of this country since 1880 has been spectacular. There were only 776 foreign-born Greeks here in 1880, as against 8,500 in 1900, 175,900 in 1920, and 163,920 in 1940. The Greek element in this country (first and second generation) numbered 303,751 in 1930. One study shows that 460,000 Greeks, or about one-tenth of the total population of Greece at that time, emigrated to America between 1901 and 1930.[93]

The Greeks have concentrated largely in New York, Chicago, Detroit, and Boston. The vast majority of the Greeks belong to the Eastern Orthodox Church, with a very few Protestants and a sprinkling of Jews, the latter mostly from Epirus. Although, as a result of missionary efforts in the Near East, a considerable sympathy has been engendered for Protestant faiths, most Greeks feel that the Orthodox Church is an indispensable part of their national heritage.[94]

It is mainly through the Greek Orthodox Church and its afternoon or Sunday schools that Greek tradition and the Greek language are preserved in this country. With the growth of a second generation of American-born sons and daughters of Greek-born parents, priests are now recruited from the Greek-American communities to prepare for the priesthood at the Archdiocese's Theological School of the Holy Cross at Pomfret Center, Conn.[95]

[89] U. S. Bureau of the Census, Statistical Abstract (1948), p. 107.
[90] Brown and Roucek, One America (1945), p. 272.
[91] Ibid., p. 273.
[92] Ibid., p. 277.
[93] K. D. Miller, We Who Are America (1943), p. 81. Cf. Brown and Roucek, One America (1948) p. 245.
[94] Ibid., p. 81.
[95] Brown and Roucek, One America (1945), p. 251.

(5) *Albania*

Estimates for 1944 indicate some 30,000 Albanians in America. Political and economic conditions have largely brought about Albanian immigration to this country, most of it coming during the past 50 years. Albanian immigrants are divided into two chief denominations—Orthodox Albanians and Moslems. There are also small percentages of Catholic and Protestant Albanians. "Whatever the religion of the Albanian, he is never strictly orthodox." Tribal and communal loyalty, the codes of ancient customs, and national pride are the dominant forces in his life.[96]

b. Eastern Europe

(1) *Austria*

Historically speaking, immigration from Austria was unimportant until the middle of the nineteenth century. Political and economic conditions which arose about this time tended to initiate increased immigration to this country. Statistics show 1,261,246 total foreign white stock of Austrian origin in the United States as of 1940, of whom 479,906 were foreign-born.[97] By and large, the Austrians adhere to the Roman Catholic Church. A small minority of Jews in this country are of Austrian origin.

(2) *Hungary*

While scattered records exist of the activities of Hungarians in the United States throughout the colonial period and the first half of the eighteenth century, increased immigration became evident during the third and fourth decades of the nineteenth century, somewhat coincident with the Hungarian Revolution of 1848.

The Magyars have concentrated in the mining and mill towns of Ohio, Pennsylvania, and New Jersey, with large representations in such cities as New York, Philadelphia, Detroit, Cleveland, and Chicago. In 1930, the census reported 591,000 of foreign-white stock born in Hungary, of which approximately 500,000 were Magyars and the rest Jews.[98]

The Magyars are about equally divided between the Roman Catholic Church and the Reformed faith, they being one of the new immigrant groups to have a large percentage of Protestants.[99]

(3) *Rumania*

The real stream of immigrants from Rumania did not begin until late in the nineteenth century. There were but 19,109 before 1900. The 1940 census shows 247,700 total foreign white stock of Rumanian origin, of whom 115,940 were foreign-born. The larger number of Rumanians live in six States: New York, Ohio, Pennsylvania, Illinois, Michigan, and New Jersey.[1]

The church has played a leading role among the Rumanian people, both gentiles and Jews. Approximately 70 percent of the people of Rumania are Greek Orthodox, a little more than 20 percent Greek Catholic, and the remainder are scattered among Protestant groups, with a preponderance of Baptists.[2] Approximately a third of the immigrants from Rumania were, however, Jews.

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[96] Brown and Roucek, One America (1945), p. 235, et seq.
[97] Ibid., p. 638.
[98] K. D. Miller, We Who Are America (1943), p. 79.
[99] Ibid.
[1] Brown and Roucek, One America (1945), pp. 224–227.
[2] Ibid., p. 227.

(4) *Estonia*

The first wave of Estonian immigration began around 1890. While 1940 census figures show 4,178 foreign-born Estonians and 1,480 native white Estonians, the Estonian consulate estimates a total of about 60,000 foreign white stock of Estonian origin in this country. They are concentrated in the Middle Atlantic States and California; more than 50 percent live in New York City. Religious affiliations of the Estonians are about as follows: 80 percent, Lutheran; 19 percent, Greek Orthodox; 1 percent, Adventists, Methodists, Evangelists, and other Christian denominations.[3]

(5) *Latvia*

The majority of Latvians in America are Lutherans. Other denominations include Baptists, Catholics, Bohemian Brothers, and a few Greek Orthodox. There are probably 50,000 Latvians in the United States as of 1945.

(6) *Lithuania*

The little Baltic country of Lithuania had contributed 439,000 people to our foreign white stock as of 1930.[4] They are concentrated in the mining and mill towns of Pennsylvania, in Detroit, and Chicago, with large colonies in New York and in several Massachusetts cities. The majority of Lithuanian-Americans are Roman Catholics, but there are a number of Lutherans, Calvinists, and Freethinkers. The first Lithuanian National Catholic Church was founded in 1914 by the Lithuanians of Scranton. In 1944, there were about 120 Lithuanian parishes in the United States.[5]

(7) *Finland*

It is difficult to determine the exact number of Finns who have immigrated to the United States, partly because those who entered the country through Norway, were frequently classified as Norwegians and those who came in Swedish or Danish boats or entered the United States through Canada were similarly misclassified.

Finnish immigration on a large scale did not begin until 1864. In the eighties and nineties, immigration increased rapidly. Of the 320,500 Finns of foreign-white stock reported in 1930, more than half are located in Michigan, Minnesota, and the Pacific Northwest.

While nearly all Finns in the United States belong to the Lutheran Church, there are three different religious organizations or groups within the church. The largest of these is the Finnish Evangelical Lutheran Church of America, which engages in extensive educational work. Suomi College and Theological Seminary at Hancock, Mich., is the principal educational institution of the synod. The other branches of the Finnish Lutheran Church are the Finnish Evangelical Lutheran National Church of America and the Finnish Apostolic Lutheran Church.[6]

The difficulty of mastering the English language has been an obstacle to the Americanization of the Finns. They are, nonetheless, becoming quite readily naturalized. The United States census of 1940 showed that 60.8 percent of the foreign-born men and 52.6 percent of the foreign-born women had been naturalized.[7]

[3] Ibid., pp. 195-197.
[4] K. D. Miller, We Who Are America (1943), p. 79.
[5] Brown and Roucek, One America (1945), p. 187.
[6] Ibid., pp. 201-205.
[7] Ibid., pp. 206-207.

c. Slavic Immigration

(1) Russia

The largest number of Russian-Americans belong to the Russian Orthodox Church. In 1876, the first Russian Orthodox parish was organized in New York. By 1944, some 80 percent of the membership of the Russian Orthodox Church consisted of former Ukrainian Greek Catholics or Orthodox Ukrainians and their descendants from the territories of the former Russian Empire. The Russian groups are concentrated mainly in Pennsylvania, Connecticut, New Jersey, New York, Ohio, and Alaska. Various Protestant groups such as the Molokans of California, the Doukhobors, and the "Old Believers" claim substantial numbers of Russian-Americans.[8]

(2) Ukraine

The actual history of Ukrainian immigration began in the 1870's, when economic conditions precipitated the influx of large groups of Ukrainian peasants from the slopes of the Carpathian Mountains. Dissatisfaction with political and religious conditions also caused the immigration to this country of thousands of persons from the Ukraine.

The figure of 700,000 for all Ukrainian immigrants and their descendants is considered as being fairly accurate. They are concentrated in the coal and iron regions of Pennsylvania and in such cities as New York, Chicago, Detroit, and Pittsburgh. The principal religious affiliations are the Russian Orthodox and Greek Catholic.[9] Small minorities adhere to various Protestant sects.

(3) Poland

Although considered as recent arrivals, Poles have been in America since early colonial times. Large-scale Polish migration did not, however, begin until about 1832. In 1832, 1848, and 1880, economic and political disturbances accelerated immigration. The first large Polish colonies were organized in Texas. Today, they are widely distributed over the United States. Of some 4,000,000 Poles now in this country, about 80 percent are naturalized. Many of New York City's 2,000,000 Jews are of Polish origin.[10]

The vast majority of Poles are Roman Catholic. As of 1945, there were 830 Polish Roman Catholic parishes and 83 Polish Roman Catholic missions in the United States, 14 orphanges, and 3 seminaries each for men and women. A comparatively small percentage of the Poles in this country belong to the Polish National Catholic Church. In 1944, this organization had 146 parishes in 4 dioceses, 148 priests, and around 400,000 members.[11] Several Protestant denominations also support home missions among the Poles.

(4) Czechoslovakia

Statistics concerning the number of Czech and Slovak immigrants are uncertain. The most reliable estimates are (1945) that there are some 1,750,000 Czechs and Slovaks and their descendants in America.[12]

At least 50 percent of the American Czechs are Catholic. There are some 120 Czech parishes, with 104 parochial schools, most of them located in Texas, Illinois, and Ohio. The League of Freethinkers,

[8] Ibid., pp. 123-124.
[9] Brown and Roucek, One America (1945), pp. 129-132.
[10] Ibid., pp. 136-137.
[11] Ibid., pp. 138, 139.
[12] Ibid., p. 148.

founded in 1907, unites State committees and local organizations. Today, some 480,000 Czechs are "Freethinkers." Some 300,000 of the Slovaks are Catholic (with 180 churches), 60,000 are Greek Orthodox, and 160,000 "without confession" (Freethinking).[13] Whereas, both Catholic and Protestant Slovaks have established fraternal organizations, only Catholic Czechs have their fraternal groups.

(5) Yugoslavia

The first mass immigration of Yugoslavs, in the early eighteenth century, was impelled by religious motives. Because of religious differences—the Croats and Slovenes being Roman Catholics; the Serbs, Eastern Orthodox—and for other reasons, as well, each of the Yugoslav subdivisions leads its own independent and cultural existence. In 1945 there were approximately 70 Roman Catholic and about 30 Serbian Orthodox parishes and churches, maintained by Yugoslavs in America. The Slovenes, with about 45 churches, have invested in them and the attached homes for sisters, priests, and schools an estimated $3,500,000.[14]

There are also two Roman Catholic churches of the Greek rite.

(6) Bulgaria

Bulgarian immigration to the United States dates back to the second half of the nineteenth century. In 1918, there were only a few Bulgarian colonies in America, chiefly in the Central and Eastern States. Today, the United States probably has somewhat more than 35,000 Bulgarians (including second generation). The main religious affiliation is the Eastern Orthodox Church. Probably 5 to 10 percent belong to the Evangelical Churches. In 1944, five Congregational, Methodist, Presbyterian, and Baptist missions for Bulgarian-Americans existed in the United States.[15]

d. Jewish immigration

In 1937, Jews constituted less than 4 percent of the American people, but during the 7-year period following (1937–43), net Jewish immigration to the United States ranged between 25 and 77 percent of total net immigration to this country. For the 36-year period, 1908–43, net Jewish immigration constituted 14 percent of total.[16] The population of the United States has increased threefold since 1877, while the Jewish population has increased twenty-one-fold during the same period.

Available statistics show that approximately 1,252,847 Jews were admitted to the United States between 1908 and 1943. Departures during the same period are listed as 57,207, leaving a net increase of 1,195,640. There was a net increase of 2,499,154 for the period 1881–1943.[17]

In 1943, Earl G. Harrison, then Commissioner of the United States Immigration and Naturalization Service, ordered the elimination of the term "Hebrew" from the classification of immigrants by race or people and from the manifests used by transportation companies and from the statistical forms used by the United States Government.

[13] Ibid., p. 152.
[14] Ibid., p. 161.
[15] Ibid., pp. 171–173.
[16] World Almanac, 1948, p. 250.
[17] American-Jewish Yearbook, 1946–47, pp. 612–613.

The race designation of persons formerly recorded as Hebrew will now be governed by the country of their origin.[18]

Estimates indicate that approximately 31,400 Jewish immigrants arrived in America between July 1, 1943, and December 31, 1945.[19] Under the President's directive of December 22, 1945, several thousand Jewish displaced persons were brought into the country. Some 15,000 in this category in Germany had been granted immigration visas as of June 30, 1947.[20]

Under the present displaced persons law, 33,479 Jews had received immigration visas through November 1949, 26 percent of the total visas issued under the act.[21]

As of May 1946 the American Jewish Joint Distribution Committee estimated that world Jewish population had decreased by one-third since 1939—from about 16,600,000 to about 11,000,000. The Jewish population of the United States was estimated to be about 4,770,000, in Europe at 3,642,000.[22]

It has been said that religiously, Jews are no more unified than are Christians. Judaism is divided into a number of sects, chief of which are the Orthodox, the Conservative, and the Reform. None of these has a national or international head or an organization with dioceses and bishops; the rabbi is responsible only to his congregation.[23]

The American Jewish Committee recently estimated that three-fourths of the Jewish population of this country are grouped in 13 large cities.[24] In New York City alone live over half of all the Jews in America—2,500,000 out of a total of 4,500,000. The former figure represents approximately 30 percent of the population of New York City.[25]

5. RELIGIOUS COMPOSITION OF ASIATIC IMMIGRATION

While Asiatic immigration to this country has been relatively small in number, it has nevertheless exerted some degree of influence upon the over-all cultural pattern of the Nation, due in large part to the fact that the Asiatic immigrant brought with him a culture distinctly different from that of the European. Total immigration to this country between 1820 and 1943 was 38,394,753, of which Asiatic immigrants constituted only 921,238. The bulk have come from three countries—China (383,420), Japan (277,944), and Turkey (205,410).[26]

a. Japan

The data presented during the House hearings of the House Subcommittee on Immigration and Naturalization on the Judd bill[27] showed that about half the American-born and two-thirds of the foreign-born Japanese confined to relocation centers during World War II adhered to the Buddhist faith. While this may serve to inhibit association with other Americans in time of worship, it was stated that there is no evidence that the practice of Buddhism results

[18] Ibid., p. 610.
[19] Ibid., p. 610.
[20] S. Rept. 950, 80th Cong., Displaced Persons in Europe (1948), pp. 25-26.
[21] S. Rept. No. 1237, 81st Cong., 2d sess., January 25, 1950, p. 4.
[22] American-Jewish Yearbook, 1946-47, p. 599.
[23] Wallace Stegner, One Nation (1945), p. 302.
[24] Washington (D. C.) Times-Herald, March 19, 1949.
[25] Wallace Stegner, One Nation (1945), p. 303.
[26] Brown and Roucek, One America (1945), pp. 632-633.
[27] H. R. 5004, 80th Cong., 2d sess.

in political loyalty to Japan. The number adhering to popular Shintoism was statistically insignificant.[28] Indications are that the proportion of Japanese Americans who claim church membership and who attend regular religious service is about the same as that of the general population.[29]

A survey conducted by the War Relocation Authority in 1942 covering 38,520 foreign-born Japanese and 72,650 American citizens of Japanese descent showed that later generations have shifted from oriental religions. The findings on the religious affiliations of these Japanese persons are as follows: [30]

Religious affiliation of Japanese in war-relocation centers

Religious preference	American citizens of Japanese descent	Japanese aliens
Buddhist	48.7	68.5
Protestant	32.6	21.9
No denomination given	14.1	9.0
Methodist	7.7	5.3
Baptist	3.7	1.8
Presbyterian	3.1	2.0
Congregational	1.0	1.0
Episcopal	.9	.7
Christian Union	.5	.6
Friends	.5	.4
Latter Day Saints (Mormons)	.2	.1
Other denominations	.9	1.0
Catholic	2.4	1.2
Tenri-kyo and similar sects [1]	.2	.7
Seicho No Iye [2]		.1
Not given	16.1	7.6

[1] Popular Shinto (not related to Emperor worship).
[2] Modern cult based on Buddhist teachings, oriental philosophy, and Christian Science.

Professor Smith stated:

The facts support the view that while the contribution of Buddhism to the Americanization of its adherents is undoubtedly less than that of the Christian churches, it does not provide an active counterforce to other Americanizing influences of the community and the Nation, and does not inculcate political allegiance to Japan.[31]

The Buddhist groups, while by no means immune or necessarily adverse to Americanization, have had as their natural center an oriental religion, a liturgy and literature in Japanese rather than English, with an inevitable emphasis upon Japanese customs and traditions. Their priests are educated in Japan and their general outlook is toward the Orient. In spite of this, they are making definite efforts to be American in the architecture of their buildings and in the development of preaching and Sunday schools.[32]

b. China

Chinese immigration to this country first became noticeable about 1852, when some 20,000 were admitted. The largest concentration

[28] Prof. E. R. Smith, A Discussion of the Degree of Assimilation Among Persons of Japanese Ancestry in the United States (1949), p. 23.
[29] U. S. Department of the Interior, op. cit., p. 226.
[30] House Subcommittee on Immigration and Naturalization, hearings on H. R. 5004, 80th Cong., 2d sess., pp. 103-104.
[31] Prof. E. R. Smith, A Discussion of the Degree of Assimilation Among Persons of Japanese Ancestry in the United States (1947), appendix 11, p. 4.
[32] A. W. Palmer, Orientals in America (1934), pp. 62, 63.

of Chinese in America is in the San Francisco area. New York City, Chicago, and Los Angeles are other cities which have large Chinese populations. In fact, nine-tenths of Chinese-Americans are urban dwellers. The 1940 census showed 77,504 Chinese in the United States, 40,262 of whom were native-born. Various religions are embraced by the Chinese—Confucianism, Taoism, Buddhism, and Mohammedanism, being among the more prominent ones. Roman Catholicism and various Protestant beliefs have won some adherents among Chinese in comparatively recent times through widespread missionary work.[33]

c. Other Asia

(1) Philippines

Filipino immigration to the United States has been fairly recent. Census figures for the continental United States show only 160 Filipinos in 1910, with a moderate rise to 5,603 in 1920, and a marked increase to 45,208 in 1930. The bulk of the Filipinos are more or less related to the local Roman Catholic Church, although Protestant denominations have gained numerous adherents. Salinas, Calif., has an interdenominational Filipino Christian Fellowship. The Protestant Church there is nominally Methodist, but is really a joint enterprise, receiving assistance from the Presbyterians.[34]

(2) Armenia

There were some 25 Armenian National Churches in the United States in 1945, supported by a professed membership of 60,000, where masses were held. The Armenian National Churches also maintain approximately 50 schools throughout the country. There are also Armenian Presbyterian and Congregational Churches, as well as three Armenian Catholic Churches. The 1940 census shows 52,000 Armenians in this country as indicated by mother tongue. The State of California has the largest proportionate number, centered around Fresno.[35]

(3) Turkey

Accurate statistics on persons of Turkish origin in this country are impossible to obtain. Those emigrating from Turkey have been largely Armenians, Jews, or Greeks. "Our Turkish population consists only of a few hundred workingmen in mills in New England and in the various factories in and around Detroit." [36] Both Moslems and followers of some Christian sects are found among the Turks.

(4) Syria

Syrian immigration first became apparent during the latter part of the nineteenth century. The 1940 census shows a total of 151,406 persons of Syrian descent in this country.[37] The Syrians are Moslems, as well as members of some Christian sects. Some are Jews.

(5) India

Very few people from India have immigrated to America. The 1930 census showed 3,130 in this country, and there were probably no more in 1944, according to available information. They are mainly Hindus,

[33] Brown and Roucek, One America (1945), p. 316.
[34] A. W. Palmer, Orientals in American Life (1934), pp. 76-77, 82-83.
[35] Brown and Roucek, One America (1945), pp. 301-303.
[36] Ibid., p. 299.
[37] Ibid., p. 293.

Sikhs, and Mohammedans. They have, to a great degree, maintained their own distinct culture and ways of life.[38]

6. RELIGIOUS COMPOSITION OF WESTERN HEMISPHERE IMMIGRATION

a. Introduction

The greatest share of immigration from the Western Hemisphere has come from Canada. The bulk of Latin-American immigrants—more than 75 percent on the average—have come from Mexico. The next highest source has been the West Indies (including Cuba but not Puerto Rico), which have furnished almost 20 percent of the Latin-American foreign-born and nearly all the Negro foreign-born since 1900.[39]

Central American and South American countries have furnished a total of some 183,000 immigrants to this country between 1901 and 1947. These immigrants are for the most part, Roman Catholics.

b. Canada

(1) French-Canadians

Approximately 2.5 to 3 million French-Canadians are now living in the United States, having entered during the past 200 years.[40] French-Canadians are concentrated principally in Louisiana, New England, Illinois, Michigan, and New York, with substantial numbers in various other States. Their prevailing religious belief is Roman Catholic. As of 1942, there were approximately 243 French-Canadian churches in the United States.

(2) English-Canadians

Substantial numbers of English-Canadians have migrated to this country in comparatively recent times. Seventy-five percent of our Canadian-born population is English-speaking, and is largely Protestant in religious faith, furnishing a large percentage of the Protestant congregations in such cities as Detroit.[41]

c. Latin-America

(1) Mexico

It is estimated that there are 1,500,000 Mexicans in the United States, largely in Texas, California, Arizona, and New Mexico.[42] San Antonio has a Mexican population of 50,000. The great majority of Mexicans are Roman Catholics.

(2) Puerto Rico

Being American citizens and exempt from the provisions of immigration law, Puerto Ricans have been coming steadily to the United States through the last 20 or 30 years. The following census statistics are indicative of the steady rise of persons, born in Puerto Rico, in this country.[43]

	Number		*Number*
1910	1, 513	1930	52, 249
1920	11, 718	1940	69, 967

[38] Ibid., p. 311.
[39] Kingsley Davis and Clarence Senior, Immigration From the Western Hemisphere, Annals, American Academy of Political and Social Science, March 1949, pp. 80-81.
[40] Brown and Roucek, One America (1945), p. 343.
[41] K. D. Miller, We Who are America (1943), pp. 82-83.
[42] Ibid., p. 84.
[43] Kingsley Davis and Clarence Senior, Immigration from the Western Hemisphere, Annals, American Academy of Political and Social Science, March 1949, p. 77.

For the fiscal years 1943–48, the net gain of arrivals over departures of Puerto Ricans to and from the United States was 109,008; of this total, 34,405 represented the net arrivals for the year 1947, and 28,031 represented the net arrivals for the year 1948. The Puerto Ricans have largely concentrated in New York City, approximately 90 percent of the arrivals stopping at that port of entry.[44]

The Puerto Ricans are nominally Roman Catholic. There has also been some affiliation with Protestant Churches.

(3) West Indies

Almost 10 percent of immigration from the Western Hemisphere is from the West Indies. In 1940, an estimated 104,000 foreign-born came from this area. They are mainly Protestant and English speaking.[45] Between 1901 and 1947 there were 351,000 entries to this country from the West Indies. Most of the West Indian immigrants, with the exception of those from Cuba and Puerto Rico, are nonwhite.

7. THE AMERICAN NEGRO IN RELIGION

As the educational and cultural level of the Negro in this country has risen, a more balanced religious experience has been developed. Five of every twelve Negroes in the United States belong to some church.[46] As of 1943, there were some 45,000 Negro churches, with a membership of over 5.5 million.[47] The vast majority of the rural southern Negroes are affiliated with Baptist or Methodist churches. In the cities, some have adhered to Episcopal and other sects.

Recent statistics on the religious affiliation of Negroes show approximately 4,000,000 Baptist, 1,500,000 African Methodist, 150,000 Roman Catholic, 70,000 Church of God, and a small percentage of minor groups.

8. THE SITUATION TODAY

a. World religion

The population of the world is today divided into numerous religious groups. The Christians are mainly in Europe, North America, and South America. Roman Catholics are chiefly in Europe, South America, and North America. In Europe, they are principally in the southern part, among the Latins; yet other groups, like the Irish, Poles, and Austrians, are also Roman Catholic. The majority of Protestants are among the Teutonic peoples and the Orthodox among the Slavs.

Of the non-Christian groups, the Confucianists are chiefly in Asia among the Chinese, the Hindus among the East Indians, and the Buddhists among the Chinese. The Mohammedans cover a broad belt from the center of Siberia and Mongolia, across Turkey, Arabia, and the northern half of Africa.[48] The Shintoists are almost wholly in Japan, and the Animists in Africa, Asia, Oceania, and North America. The Jews are scattered over many areas. Taken as a whole, the non-Christian world constitutes nearly two-thirds of the earth's surface and peoples.[49]

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[44] Ibid.
[45] Ibid., pp. 79–80.
[46] Wallace Stegner, One Nation (1945), p. 214.
[47] K. D. Miller, We Who Are America (1943), p. 124.
[48] There are small islands of Mohammedans in the Balkan countries as well.
[49] The distribution of principal world religions is given in appendix VII, table 1, p. 842.

b. The United States

(1) Statistics on principal religious bodies

There were 256 major religious bodies in the United States with 199,302 organizations and 55,807,366 members in 1936. Their total expenditures were approximately $520,000,000 and the value of church edifices estimated at $3,412,000,000. In 1947, there were 256 major religious bodies in continental United States with 253,762 churches and a membership [50] of 73,673,182, of which 59,717,107 were 13 years of age and over. There are no figures available on religious beliefs of persons in the United States distributed among native-born, aliens, and foreign-born.[51]

The latest compilation of church membership statistics (August 1948) was that made by the Christian Herald, a religious periodical published in New York. The figures were mainly for the calendar year 1947 or for a fiscal year ending in 1947.[52]

This survey showed 223 Protestant denominations in the United States with a membership of 46,149,676; Roman Catholics, membership of 25,268,173; and Jewish congregations totaling 4,641,000. In addition, there were a number of smaller other non-Protestant churches. The total church membership of 77,386,188 persons is the highest ever reported, being equal to about 53 percent of the estimated total population of continental United States.[53]

The 1948 compilation divides the churches reporting into Protestant and non-Protestant. It was found that slightly more than 60 percent of the church members of the Nation were Protestants. The census of religious bodies in 1906 shows that slightly more than 60 percent of the religious bodies then reporting was also Protestant.[54]

A comparison of the 1947 and the 1926 figures shows that total church membership increased about 40 percent. The estimated population of continental United States increased about 24 percent in the same 21-year interval.[55]

(2) Displaced persons

Pursuant to Public Law 774, Eightieth Congress, 205,000 European displaced persons are to be brought into this country during the fiscal years 1949 and 1950.[56] Religious affiliation of displaced persons who had been issued visas through November 1949 is as follows: [57]

Religions:	*Number*
Jewish	33,479
Roman Catholic	53,402
Protestant	20,279
Greek Orthodox	19,283
Others	1,393
Unknown	30
Total	127,866

[50] In some religious bodies, the term "member" is limited to communicants, in others it includes all baptized persons, and in still others it covers all enrolled persons.

[51] A detailed break-down of the membership of religious denominations in the United States for 1926, 1936, and 1947 is given in appendix VII, table 2, p. 842.

[52] For the detailed listing of the membership of various religious denominations, see appendix VII, tables 5, 6, and 7, pp. 847-849.

[53] Communication from Dr. Benson Y. Landis, associate secretary, Federal Council of the Churches of Christ in America, April 14, 1949.

[54] Ibid.

[55] Federal Council of the Churches of Christ in America, Information Bulletin, Nov. 20, 1948, p. 1.

[56] Communication from Displaced Persons Commission, dated Mar. 15, 1949.

[57] S. Rept. No. 1237, 81st Cong., 2d sess., Jan. 25, 1950.

According to the Displaced Persons Commission, 118,784 persons admitted under Public Law 774, as of December 23, 1949, reported their religious affiliations as follows:

Religion:	*Number*
Catholic	55, 872
Jewish	30, 284
Protestant and Orthodox	29, 277
Other and not reported	3, 351
Total	118, 784

(3) Nationality churches in the United States

It has been estimated that about 50 percent of the religious denominations in the United States maintain churches or other religious organizations using foreign languages.[58] No national group of immigrants is entirely affiliated with a single religious body, but specific faiths generally predominate in each group. There is a foreign-born membership in all of the principal religious bodies in America.

(a) Catholic bodies

The Catholic population of the United States on January 1, 1947, was 25,268,173. There were 14,742 parishes, 5,257 chapels, and 4,935 missions, 22 provinces, and 99 dioceses.[59]

Some 2,000 nationality parishes—Armenian, French, German, Polish, Syrian, and others—are shown in the Official Catholic Directory. Other sources show at least 2,855 parishes, chiefly Roman Catholic, serving various nationality groups in this country. A few hundred parishes belong to the Armenian, Byzantine (Greek), Chaldean, Maronite, and Melchite rites. Probably more than 5,000,000 Catholics are members of non-English or nationality parishes in this country. The Pittsburgh diocese alone includes 165 Carpatho-Russian, 15 Hungarian, and 2 Croatian parishes with 285,652 members. It is probable that another 5,000,000 belong to nationality parishes not specifically identified as such.

Nationality parishes have certain distinguishing characteristics, such as (1) the use of the native language, in whole or in part, in the worship services, and (2) observation of certain peculiar rites and customs, and celebration of holidays common to the native country.

(b) Protestant bodies

The Lutheran Church appears to be the largest of the Protestant denominations among nationality groups, including most of the Scandinavian-Americans, as well as those of Finnish, Estonian, and Latvian origin. A large percentage of German-Americans are Lutheran, as are many Hungarians and Slovaks. In 1945, there was a total of 15,443 Lutheran congregations having 5,119,153 members; divided among 20 Lutheran bodies, 2 Danish, 3 Finnish, 5 German, 1 Hungarian, 1 Icelandic, 1 Latvian, 5 Norwegian, 1 Slovak, and 1 Swedish.[60]

The Reformed religious bodies, like the Lutherans, are separated into various central organizations such as: Dutch (3); German (1); Hungarian (2); and Slovak (1). These had in 1945, 3,986 churches, with 981,875 members.[61]

[58] Kalnay and Collins, The New American (1941), p. 265.
[59] Official Catholic Directory (1947).
[60] Y. J. Chyz and Read Lewis, Agencies Organized by Nationality Groups in the United States, Annals American Academy of Political and Social Science, March 1949, p. 150.
[61] Ibid.

The Baptist Church also has numerous adherents among nationality groups. Such organizations as the Czechoslovak Baptist Convention, Hungarian Baptist Union, Italian Baptist Churches, Rumanian Baptist Association of North America, and Independent Baptist Church of America (Swedish), are in existence today.

The Church of the Brethren and other Brethren bodies are largely of German and Swiss origin. They have 4,300 congregations and 651,465 members. The Evangelical Church has 1,194 churches and 255,881 members, largely of German descent. There are 16 Mennonite religious bodies with 1,116 churches and 110,725 members, principally in Pennsylvania. Minor groups, such as the Schwenkfelders and the Amana Church Society among Germans, French Huguenots, Waldensians with French-Italian membership, Welsh Calvinistic Methodists who in 1920 joined the Presbyterian Church in the United States of America, and Bohemian and Moravian Brethren of Iowa, and the Evangelical Unity of Moravian and Bohemian Brethren in North America among the Czech-Americans, account for some hundred or more congregations and a total of more than 10,000 members.

The Polish National Catholic Church in America, which uses Polish in its services, had 146 parishes and 250,000 communicants in 1944. The Lithuanian National Reformed Church, which was also established in this country, has 7 parishes and 3,225 communicants.[62]

There are many smaller religious bodies in all the groups, such as the Russian Dukhobors around Detroit and San Francisco, Russian Molokans in California, Old Believers around Pittsburgh, Ukrainian Shtundists in North Dakota, Polish Mariawites, the Armenian Evangelical Church, the Unorganized Italian Christian Churches of America, the Portuguese Evangelical Federation of Churches, the Italian Pentecostal Assemblies of God, the Hungarian and Ukrainian branches of the Assemblies of God, and many similar denominations. While they perhaps do not number more than 100 congregations, these smaller sects suggest the differentiation and dissent which find expression in a free country.[63]

(c) *Eastern Orthodox bodies*

Christian nationality groups from eastern and southeastern Europe adhere largely to various religious bodies connected with the Eastern Patriarchs of Antioch, Constantinople, or Moscow or with the church synods of their respective countries. Some have formed independent American religious bodies. The present unsettled religious conditions in the eastern section of Europe have tended to complicate matters to some degree with regard to the interrelationship of the nationality churches in America with the Old-World Patriarchates.

The Albanian, Carpatho-Russian, Bulgarian, Greek, Rumanian, Serbian, Syrian, and Ukrainian Orthodox Churches in this country have a total membership of 728,860 in 880 churches.[64]

(d) *Non-Christian bodies*

The Jewish groups in this country constitute by far the greatest percentage of the non-Christian bodies. Of the three Jewish groups, the Orthodox claim 2,500 congregations, about 400,000 members, and 1,000,000 worshipers in 1940. The conservative group claims

[62] Ibid., p. 151.
[63] Ibid.
[64] Ibid.

475 congregations, with 250,000 members; and the Reform group 302 congregations, with about 150,000 members. Some 500 congregations are unaffiliated. Typical examples of Jewish nationality synagogues are those of the Sephardic Jews from Spain, Portugal, north Africa, and the Near East; an Arabic-speaking group in Brooklyn (chiefly from Aleppo, Syria); and an Abyssinian group in Harlem.[65]

Other non-Christians in this country include Japanese Buddists, who have 28 congregations in the United States, 19 of them in California; and Mohammedans, who are located mainly in Washington, New York, and Detroit. The members of their congregations are principally from Albania, Arabia, Egypt, Palestine, Iran, Iraq, Turkey, and India.[66]

(e) Percent of total church membership

Total membership in nationality churches in 1947 was around 23,000,000, or over 31 percent of the 73,672,182 members of all denominations in the United States, made up of the following: 5,092,000 members, with 2,855 churches in the Catholic Church; 7,116,443 members, with 24,998 churches in the Protestant denominations; 753,747 members in 929 churches in the Eastern Orthodox and other Eastern churches; 2,000,000 members with 3,728 congregations in the different Jewish bodies; 5,000,000 Catholics who are members of nationality groups, although they belong to churches not specifically identified as nationality churches; many of the 3,000,000 Jews living in communities with synagogues, but not counted formally as members; and substantial numbers in Baptist, Methodist, Pentecostal, Mohammedan, and Buddhist bodies, where complete figures are not available.[67]

(f) Characteristics of nationality churches

While native languages are still used in most churches serving nationality groups, English is coming into more widespread usage, especially in the Dutch, Danish, Norwegian, Swedish, and Jewish congregations. English sermons are being heard more and more regularly in the nationality Catholic and the Eastern Orthodox churches. Social activities in the churches in which second and later generations participate are conducted almost exclusively in English in all groups, with few exceptions.[68]

The trend toward English does not necessarily mean the loss of other national characteristics. Church traditions, rites, special holidays, and social contacts tend to keep the church communities together, even though the original language may have been changed. Parochial primary and secondary schools maintained by nationality churches often teach the native language and make the children familiar with the culture and history of the group, both here and abroad. Special colleges and seminaries in this country educate priests, ministers, and rabbis for service in their denominations. In these schools, most subjects are taught in English but special attention is given to the language and culture of the group.[69]

Nationality group churches have, however, developed traits and features which are typical of American church life and which are often entirely unknown in the "old country." Churches which were

[65] Ibid., p. 152.
[66] Ibid.
[67] Ibid.
[68] Ibid., pp. 152-153.
[69] Ibid., p. 153.

state-supported in their countries of origin have had to learn to exist on the material support of their members. Often, compulsory religious education has given way to voluntary Saturday or Sunday schools. Moreover, the complete authority of the clergy in all church matters has been shared in varying degrees with lay members, who have freedom to disagree and even to carry their dissension to the point of seceding or forming a new religious organization. Church activities extend to large-scale welfare and charitable work, sports, summer camps, printing and publishing, participation in conferences, and consultations with representatives of other denominations and creeds—fields rarely entered by church organizations in other countries.[70]

Adaptation to new needs and conditions and survival among so many other denominations, along with maintenance of inherited beliefs and traditions, are proof of the vitality of the religious bodies of nationality groups. Many of them have already become and others are on the way to becoming an integral part of America and of the diversity which is characteristic of American religious life.[71]

(4) Religious adherence of foreign-born white population

Estimates of immigrants by religious preference at the present time are admittedly difficult to make for many reasons but the following break-down of the religious affiliation of the foreign-born white population in 1940 may be considered a rough approximation:[72]

Faith:	*Percent*
Protestant	35
Catholic	40
Jewish	9
Other and unreported	16
Total	100

9. THE CHURCH AS A FACTOR IN ASSIMILATION

Of all cultural differences that resist modification, religion probably ranks first. This is true because religion is emotionally reinforced—in some instances being the symbol of nationalism or group solidarity.

It is necessary in most cases for immigrants to this country to adjust themselves to the American industrial machine in order to earn a livelihood. This requires a break from the old and familiar. Furthermore, they are compelled to send their children to school—they must conform to the American practices. In the field of religion, however, they are under no such compulsion, but are left free to their own devices. In their work-day activities it is usually necessary for them to use some English, but in their religious worship they are usually free to use the mother tongue.[73]

The most conservative of immigrant institutions is the church, and while it serves various social functions and tends to bring about permanency of residence which fosters assimilation, its strongest influence, perhaps, is toward maintaining ethnic and denominational distinctions. The religion of the native stock is equally conservative and ethnocentric. The perpetuation of cultural differences through religion finds expression in various forms. To be sure, some modifica-

[70] Ibid.
[71] Ibid.
[72] National Committee on Immigration Policy, Immigration and Population Policy (1947), p. 28.
[73] W. C. Smith, Americans in the Making (1939), p. 328.

tion of church forms and religious beliefs takes place, but the rate of change is slower than in other aspects of culture. On the other hand, a powerful unit of culture like religion may serve, in an intermediary fashion, to bring different groups of the same faith together. For example, Roman Catholicism may operate as a unifying force to assimilate various ethnic groups adhering to that faith.[74] Moreover, the tradition of religious toleration is due directly to immigration, for the diversity of religions thus brought to America made it absolutely indispensable.

Immigrants do not throw their cultural baggage overboard as they enter American ports; they bring their religion and keep it. The foreign-language church tends to be slower in breaking away from the loyalties, customs, and traditions of the Old World than any other institution. But, while the church may be conservative and stand in the way of assimilation in some measure, it also serves as a stabilizer.[75] Under its influence, the assimilation process has moved ahead, slowly, but on a firm basis.

L. Internal Migration and Settlement

1. INTRODUCTION

In the early days, the United States was primarily a rural and small-town country and it was to the land that the early immigrants moved. As industrial and urban life developed, immigrants were attracted to the cities as wage earners.

In 1880, 70.5 percent of the population lived in rural areas, but, in 1940, the figure was only 43.5 percent of the total. Only a little more than half of the rural population in 1940 lived on farms, the remainder resided in rural nonfarm sections. The change in the character of the population is shown in the following table showing the percentage of the rural and urban population in the years 1880, 1920, and 1940: [76]

Year	Rural			Urban
	Total rural	Rural farm	Rural nonfarm	
1940	43.5	23.0	20.5	56.5
1920	48.7	29.7	19.0	51.4
1880	70.5	----	----	29.5

The census of 1940 shows the following distribution of the population of the United States: [77]

Total population	131, 669, 275
Urban population	74, 423, 702
Urban-farm	330, 723
Rural population	57, 245, 573
Rural-nonfarm	27, 029, 385
Rural-farm	30, 216, 188

[74] Brown and Roucek, One America (1945), p. 549.
[75] W. C. Smith, Americans in the Making (1939), p. 196.
[76] Warren S. Thompson, Population Problems (1942), pp. 110, 111.
[77] U. S. Bureau of the Census, Census of 1940, Population, vol. 2, table 1, p. 9.

2. RURAL AND URBAN POPULATION

Increases in population have been consistently larger in urban than in rural areas since 1790. Urban population increased from approximately 201,000 in 1790 to almost 74,500,000 in 1940. Rural population increased from a little over 3,700,000 in 1790 to over 54,200,000 in 1940. From 1790 to 1840 the rural population was considerably greater than urban. The pattern gradually changed with the differences decreasing and the census of 1890 showed that the urban population was more than one-third of the total population. There were 40,841,449 rural residents and 22,106,265 urban. By 1920, the urban population had surpassed the rural, continuing to do so until 1940, when the urban population was more than 17,000,000 in excess of the rural.[78]

Urbanization is a phenomenon that has not, of course, been confined to the United States. It is a result of the industrial revolution; industrial progress in any country is accompanied by an increase in the urban population. Because the rapid changes in the second quarter of the twentieth century, particularly since the beginning of World War II, have made obsolete prewar statistical material, this type of data offers only an indication of the world-wide trend. It should be pointed out that figures given are by no means indicative of the present situation. In the case of Russia, for example, the value for 1926 is almost as ancient as 1880, since that country's industrialization had only just begun in the 1920's. With these broad limitations in mind, the following table is presented merely to show the general trend during a part of the industrial era: [79]

Percentage distribution of rural and urban population for selected countries

Country	Latest year		1880	
	Rural	Urban	Rural	Urban
Austria (1934)	54.9	45.1	80.2	19.8
Bulgaria (1934)	76.8	23.2		
Canada (1930)	58.3	41.7	84.1	15.9
England and Wales (1939)	22.7	77.3	32.1	67.9
France (1936)	53.1	46.9	65.2	34.8
Germany (1933)	43.5	56.5	70.9	29.1
Hungary (1930)	45.2	54.8		
Italy (1936)	29.3	70.7	46.2	53.8
Japan (1936)	35.5	64.5		
Sweden (1935)	67.7	32.3	84.9	15.1
Russia (1926)	83.4	16.6	86.5	13.5

3. MOVEMENT TO AND FROM FARMS

a. 1920 to 1939

Since the end of World War I, there have been net mass migrations from farms to urban areas. This mass rural exodus ran a net total of from 0.5 million to more than 0.75 million per year from 1920 to 1929 and reached a total of nearly 1.25 million in 1922. The net migration to urban areas from farms totaled 6,296,000 during this period.

In the 10-year period from 1930 to 1939 there was still a net migration from the farms but the total was slightly less than three-fourths

[78] For a picture of the relative growth of the urban and rural population, see appendix VIII, table 1, p. 850.
[79] Warren S. Thompson, Population Problems (1942), p. 112.

of that for the previous period. There was only one year in the period when net migrations were to farms, 1932, with net migrations to farms of 266,000. This was probably the worst of the depression years, which is the reason for the change in the migration pattern.[80]

b. 1939 to 1950

The exodus from the farms continued during the war period. From 1940 to 1944, there was a net total of migrations from farms of 6,986,000.

During 1945, the farm population of the United States showed a net increase for the first time since 1932, according to estimates of the Bureau of Agricultural Economics. The number of people living on farms was estimated at 25,990,000 in January 1946, 800,000 more than at the beginning of 1945. Over half of the net increase in the farm population was due to men returning to farms from the armed forces. They exceeded by 452,000 the number of men who left the farm population during the year to enter the armed forces. On the other hand, the return of workers and their families who had migrated to work in urban centers during wartime was completely offset by other persons moving away from farms during the year. The remaining increase of 348,000 was due to the customary excess of births over deaths in the farm population. Migration of the civilian population away from farms was just equal to the migration to farms in 1945.

The fact that civilian migration to farms balanced that from farms is a marked departure from the usual trend. In the 25 years from January 1920 to January 1945, the net loss from farms through migration (not including men entering or leaving the armed forces) averaged 600,000 a year. Even during the 1930–40 decade, during which the proportion of the farm population remained constant, there was an average net yearly migration of approximately 375,000. The balancing of civilian migration to and from farms in 1945 resulted from an increase of approximately 264,000 in the number moving to farms and a decrease of 212,000 in the number moving from farms, as compared with the preceding year.

Farm population increased in every major geographic division of the country in 1945. The Pacific division had the highest rate of increase, 7 percent, followed by the Mountain division, with a 5-percent increase. The higher rate of increase in these Western States may have been due in part to persons moving out to farms from the congested cities of the west coast, and in part, to some migration of discharged veterans and civilians from other parts of the country. A War Department survey made in the summer of 1944 of soldiers' intentions with respect to place of residence after the war had indicated that the West would receive relatively more migrants than the rest of the country.[81]

The migrations from farm areas to urban areas continued during the postwar period. For the fiscal years 1946, 1947, and 1948 there was a net total of migrations from farms of 1,029,000. The number of people living on farms in the United States increased slightly

[80] U. S. Department of Agriculture, Bureau of Agricultural Economics, Farm Population Estimates 1946, table 3. See appendix VIII, table 2, p. 850.
[81] Ibid., tables 1, 3.

during 1948, according to estimates of the Bureau of Agricultural Economics, although the direction of net migration was away from farms due to the excess of births over deaths in the farm population. In January 1949, the farm population numbered 27,776,000, as compared with 27,440,000 in January 1948. During 1948, the rate of increase in the farm population was 1.2 percent, slightly under the 1.7 percent increase in the total population of the United States. The farm population made up 19 percent of the civilian population of the United States, a percentage that has remained constant in the last few years, although it is significantly less than the prewar proportion of 23 percent in 1940.

The relatively small net migration from farms conceals the fact that a great many more people were involved. Approximately 1.3 million persons moved away from farms and nearly 1.2 million moved to farms in 1948. Not all this movement consisted of permanent migration and it is possible that roughly half of it may have been seasonal, although no exact statistics are available on the number of seasonal migrants. Many farm-laborer and farm-operator families regularly spend some of the midwinter months in towns or cities and return to their farm residences in the spring. Data from the quarterly estimates of farm population issued jointly by the Bureau of the Census and the Bureau of Agricultural Economics also indicate that around 250,000 youths and single men or at least men without their families, move to farms for the active part of the agricultural season in midsummer but do not remain on farms in midwinter.

All major geographic divisions of the United States had slight gains in farm population during 1948, except New England and the West South Central States, which had slight losses. The Pacific States had the largest relative increase in farm population in the year, a gain of nearly 4 percent. The Pacific and New England divisions are the only ones which have more people living on farms in 1949 than they had in the prewar year of 1940. For the country as a whole, the net decrease in farm population from January 1940 to January 1949 was 8.2 percent. Actually, the farm population decreased from 1940 to 1945 by 16.8 percent, but approximately half the loss has been regained since the end of the war.[82]

Estimates of the Bureau of the Census are that the population of the United States, excluding troops abroad, on April 1, 1950, will be 150,500,000. No forecasts for urban-rural residence are available for 1950 but, according to the Bureau's current population survey conducted in April 1949, 58.8 percent of the civilian population was living in urban areas and 41.2 percent in rural areas. By applying these percentages to the estimated 1950 population, the urban population will be 88,494,000 and the estimated rural population 62,006,000. This should provide a rough approximation of the urban-rural distribution of the population in 1950 on a basis comparable with the 1940 definition.

[82] U. S. Department of Agriculture, Bureau of Agricultural Economics, Farm Population Estimates, January 1949, pp. 1-2 and table I.

4. RACE AND NATIVITY OF URBAN AND RURAL POPULATION

According to the 1940 census, the urban, rural-nonfarm, and rural-farm population of the United States, by race and nativity, was as follows: [83]

	White	Negro	Other races
	Percent	*Percent*	*Percent*
Urban total	91.3	8.4	0.3
Native-born	90.3	9.5	.2
Foreign-born	98.5	.8	.7
Rural-nonfarm total	91.7	7.8	.5
Native-born	91.3	8.2	.5
Foreign-born	99.0	.3	.6
Rural-farm total	84.3	14.9	.8
Native-born	83.8	15.4	.8
Foreign-born	97.9	.2	2.0

The percentage of the minority races in the United States, by nativity, in urban and rural sections, according to the 1940 census was as follows:

	Total minority races	Indian	Chinese	Japanese	All others
United States:	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*
Native-born	84.4	98.7	51.9	62.7	94.5
Foreign-born	15.6	1.3	48.1	37.3	5.5
Urban:					
Native-born	67.3	91.7	52.3	60.9	94.7
Foreign-born	32.7	8.3	47.7	39.1	5.3
Rural:					
Native-born	93.0	99.3	48.2	65.0	94.2
Foreign-born	7.0	.7	51.8	35.0	5.8

Source: U. S. Bureau of the Census, Census of 1940, Population 1940, vol. II, table 6.

5. SETTLEMENT OF ALIENS AND FOREIGN BORN

a. General.

The most recent accurate information on the location of the great bloc of aliens in the country is contained in the statistics resulting from the application of the Alien Registration Act of 1940.[84] Of the total of some 5,000,000 aliens registered, approximately 4,000,000 or 82.1 percent were located in the following 10 States:

	Number		*Number*
1. New York	1,257,501	6. Michigan	303,103
2. California	542,464	7. New Jersey	279,199
3. Pennsylvania	370,020	8. Texas	213,898
4. Massachusetts	364,421	9. Ohio	203,038
5. Illinois	325,070	10. Connecticut	158,128

Of the 10 States which led in alien population, New York had 25 percent; California, 11 percent; Pennsylvania and Massachusetts, 7 percent; and Illinois, Michigan, New Jersey, Texas, Ohio, and Connecticut, percentages ranging from 3 to 6. The next 5 States had 1 to 2 percent and 33 States had less than 1 percent each.[85]

[83] U. S. Bureau of the Census, Census of 1940, Population 1940, vol. II, table 5.
[84] Carter & DePuy, Migration of Aliens in the United States, Monthly Review, Immigration and Naturalization Service, August 1947, vol. V, No. 2.
[85] Henry B. Hazard, Who Are Our Non-Citizens, Immigration and Naturalization Service, March 1947.

The concentration of foreign-born persons is in urban areas and areas of high population concentration. It is, therefore, in the large cities that the problem of aliens and foreign-born persons is to be found.

The alien registration data shows that one-third of the alien population were concentrated in only five of the largest cities: New York, Chicago, Philadelphia, Los Angeles, and Detroit. Almost 70 percent were concentrated in urban centers of 50,000 population or over, while 34.4 percent of the total population, including aliens, were in such urban centers.

It is estimated that one-third of those registered under the act have taken steps to become naturalized and more than a quarter of a million of them filed declarations of intention during 1941.[86]

The distribution of the alien population by size of community in the continental United States in 1940 was as follows: [87]

Population	Number of aliens	Percent
Cities:		
1,000,000 and over	1,631,007	34.4
500,000 to 1,000,000	616,331	12.6
250,000 to 500,000	401,698	8.2
100,000 to 250,000	417,939	8.6
50,000 to 100,000	324,375	6.6
Under 50,000 and in towns and rural areas [1]	1,498,420	30.6
Total	4,889,770	100.0

[1] Estimated by subtracting final total of 4,889,770, amount for cities 50,000 and over.

Source: Alien registration data as tabulated on Jan. 10, 1941.

The concentration of aliens in urban areas is further shown by the settlement of immigrants in recent years. During the fiscal years 1937–46, there were more than 0.5 million immigrants admitted, the largest numbers going to these 10 States: [88]

New York	219,413	Texas	22,913
California	58,009	New Jersey	22,135
Michigan	31,762	Pennsylvania	22,128
Illinois	26,082	Ohio	14,739
Massachusetts	23,501	Washington	10,041

The average percentage of foreign-born in those 10 States is 15.9 percent.

The 10 States with the lowest percentage of foreign-born residents are 9 Southern States and Oklahoma which may be considered to be in the Southwest. The average percentage of foreign-born in those States is approximately 0.5 percent. This data is shown in detail as follows: [89]

[86] Marshall E. Dimock, Composition and Assimilation of Our Foreign Population, Vital Speeches of the Day, August 1, 1941, p. 628.

[87] U. S. Senate, Committee on the Judiciary, Displaced Persons In Europe Report, 950, 80th Cong. p. 44.

[88] Dr. Henry B. Hazard, Who Are Our Non-Citizens, Immigration and Naturalization Service, March 1947.

[89] Clarence A. Peters, The Immigration Problem, p. 145.

Comparison of percentage foreign-born for 10 States with lowest and with highest percentage of foreign-born, 1940

HIGHEST 10 STATES	Percentage foreign-born	LOWEST 10 STATES	Percentage foreign-born
New York	21. 2	Mississippi	0. 3
Massachusetts	19. 7	North Carolina	. 3
Rhode Island	19. 3	South Carolina	. 3
Connecticut	19. 2	Alabama	. 4
New Jersey	16. 7	Georgia	. 4
New Hampshire	13. 9	Tennessee	. 4
Michigan	13. 0	Arkansas	. 5
California	12. 6	Kentucky	. 9
Illinois	12. 3	Oklahoma	. 9
Washington	11. 7	Virginia	. 9
Average	15. 9	Average	. 48

Of the 55,566 immigrant aliens admitted from 1937 to 1946, the greater portion gave the following 10 States in the order listed as the place of their future residence:

1. New York
2. California
3. Michigan
4. Illinois
5. Massachusetts
6. Texas
7. New Jersey
8. Pennsylvania
9. Ohio
10. Michigan.

The same 10 States lead the country in receiving immigrants during 1947 and 1948.[90]

b. Displaced persons

From May 20, 1946, to November 15, 1947, approximately 30,000 displaced persons were admitted to the United States under the President's directive of December 22, 1945, but no break-down concerning their distribution and settlement is available. Statistics on the 17,018 displaced persons who entered the United States in the fiscal year ended June 1946 shows this distribution:

Location:	Number
Rural (population less than 2,500)	1, 780
Urban (population 2,500 to 100,000)	2, 099
Cities (population 100,000 or more)	13, 135
Territories and possessions	2
Unknown	2

More than three-fourths of the displaced persons admitted in that fiscal year settled in large cities, and one-half of them were destined to New York alone.[91]

[90] For a detailed break-down by States and cities, see appendix VIII, tables 3, 4, and 5, pp. 851, 852.
[91] U. S. Senate, Committee on the Judiciary, Displaced Persons in Europe, Rept. 950, 80th Cong., 2d sess., p. 25.

The States of first residence of the 39,734 displaced persons who entered the United States under Public Law 774, Eightieth Congress, are, as of June 30, 1949, as follows: [91a]

	Number		Number
Alabama	28	Nevada	10
Arizona	12	New Hampshire	92
Arkansas	131	New Jersey	2, 800
California	1, 086	New Mexico	6
Colorado	88	New York	13, 092
Connecticut	1, 576	North Carolina	448
Delaware	57	North Dakota	322
District of Columbia	163	Ohio	1, 710
Florida	112	Oklahoma	41
Georgia	67	Oregon	64
Idaho	18	Pennsylvania	3, 153
Illinois	3, 127	Rhode Island	139
Indiana	604	South Carolina	120
Iowa	429	South Dakota	104
Kansas	76	Tennessee	151
Kentucky	104	Texas	254
Louisiana	1, 193	Utah	16
Maine	96	Vermont	65
Maryland	1, 368	Virginia	449
Massachusetts	1, 575	Washington	151
Michigan	1, 804	West Virginia	130
Minnesota	730	Wisconsin	639
Mississippi	732	Wyoming	6
Missouri	326	Alaska	5
Montana	58	Hawaii	3
Nebraska	204		

c. Refugees

In addition to the displaced persons, some 250,000 refugees have been admitted to the United States as immigrants from 1933 through 1944. The total immigration from Europe during this period was 365,955, and the total from all areas was 528,549. The refugees constituted about two-thirds of the immigrants from Europe and one-half of the total number of immigrants. Their distribution by State and community parallels that of the total foreign-born white population. They have settled mostly in larger cities, the largest center being New York City.[92]

6. INTERNAL MIGRATION

a. General

(1) 1935–40

In 1940, there were 15,734,798 (or 13 percent) migrants living in a different county than the one in which they had lived in 1935.

More than one-half (9,239,749) had migrated within the State of their residence, and 6,495,049 had moved to a different State. About two out of every five had moved to a different region of the country during that period. Thus, migration within the States was larger than interstate migration. Aliens were a part of these shifts. The

[91a] The Displaced Persons Commission, Second Semiannual Report, August 1, 1949, table 8, p. 26. This table overrepresents the States containing cities which are ports of arrival, such as New York and Massachusetts, and major railway transfer points, such as Illinois. In many cases the first residence given is merely a stop-over point to enable sponsors and sponsoring agencies to arrange for onward transportation to the actual place provided for the displaced family.

[92] C. A. Peters, The Immigration Problem, pp. 155, 156.

migratory status and type of migration for the population of the United States in 1940 was as follows:[93]

Migration status and type of migration	All ages	Under 14 years	14 years and over	Percent all ages
Total population	131,669,275	30,566,351	101,102,924	
Persons reporting migration status	130,532,593	30,423,436	100,109,157	100.0
Nonmigrants	114,438,296	27,904,378	86,533,918	87.7
Migrants, by type	15,734,798	2,482,956	13,251,842	12.1
Within a State	9,239,749	1,553,608	7,686,141	7.1
Between States	6,495,049	929,348	5,565,701	5.0
Immigrants	359,499	36,102	323,397	.3
Persons not reporting immigration status	1,136,682	142,915	993,767	

Migrants during this period were about evenly divided between the two sexes. Of the total migrants, 7,995,097 were males and 7,739,701 were females; white males and females were 7,413,320 and 7,179,558, respectively, as compared with 581,777 males and 560,143 females in the nonwhite group. The number of whites greatly exceeded that of the nonwhite group. The urban, rural nonfarm, and rural farm residence of these migrants in 1940 was as follows:[94]

Class:		*Number*
Urban		8,230,003
White	7,700,981	
Nonwhite	529,022	
Rural nonfarm		4,467,409
White	4,201,648	
Nonwhite	265,761	
Rural farm		3,037,386
White	2,690,249	
Nonwhite	347,137	
Total		15,734,798

Many of the migrants during the 1935–40 period traveled long distances, and about 2,647,651 migrated from one to another of the three major regions—the North, South, and West. The in-migrants, out-migrants, and net migration for the three major regions in the United States in 1940 are given below:

Category	The North	The South	The West	Regional totals
In-migrants	761,619	726,504	1,159,528	2,647,651
Out-migrants	1,376,248	998,815	272,588	2,647,651
Net migration [1]	−614,629	−272,311	+886,940	

[1] Minus sign (−) denotes net out-migration. Plus (+) denotes net in-migration.

Long-distance migration within the United States during that period, as during the war period, was predominantly westward. Between 1935 and 1940, the West made a net gain of 886,940, or 6.4 percent, in population; the South lost 272,588, or 0.7 percent; and the North lost 614,629, or 0.8 percent.[95]

[93] Civilian Migration in United States, 1941, 1945, Special Population Report, Series P–S, No. 5, table 5.
[94] U. S. Bureau of the Census, Population, Internal Migration, 1935–40, Color and Sex of Migrants, tables 1 and 2, pp. 5 and 6.
[95] U. S. Bureau of the Census, Civilian Migration in United States, December 1941 to March 1945, Special Population Report, Series P–S, No. 5, table 4.

(2) 1940–47

The population of the United States has always been highly migratory. About 21 percent of the population migrated between 1940 and 1947, as compared with 12 percent between December 1941 and March 1945 and 13 percent between 1935 and 1940. There has been a great redistribution of the population in the 7-year period from April 1940 to April 1947.

According to estimates issued by the Bureau of the Census on April 15, 1948, approximately 70 million persons in April 1947 were not living in the same house in which they had lived on April 1, 1940. Some 44,000,000 persons had changed houses within the same county, 13,000,000 had changed counties within the same State, and 12,000,000 had changed their State of residence during that period.

The West continued its great population increase from internal migration, making a net gain of about 2,000,000 persons from other regions, whereas the South continued its losses with a net of about 1,500,000 persons moving to other regions.

The net loss from farm areas through migration of about 5,079,000 persons, or about 1 in every 6 who had lived on a farm in 1940, continued the long-time trend away from the rural areas, but the amount of the net loss suggests that the annual loss is now less than at the wartime peak.

The nonwhite population in the United States outside the South, which between 1935 and 1940 had not equaled the white population in migration, tended to be more migratory and to move over longer distances than the white population between 1940 and 1947. Below is shown a comparison of migrations by regions for the years 1935 to 1940 and 1940 to 1947: [96]

Net migration by regions, 1940–47 and 1935–40

Interregional migration	Northeastern States		North Central States		North		West	
	Number	*Per-cent*	*Number*	*Per-cent*	*Number*	*Per-cent*	*Number*	*Per-cent*
April 1940 to April 1947:								
In-migration	819,000	2.4	1,817,000	4.9	1,280,000	3.5	2,767,000	18.7
Out-migration	1,084,000	3.1	2,099,000	5.7	2,803,000	7.7	697,000	4.7
Net migration [1]	−265,000	−.8	−282,000	−.8	−1,523,000	−4.2	+2,070,000	+14.0
April 1935 to April 1940:								
In-migration	388,978	1.1	688,946	1.7	726,504	1.8	1,159,528	8.4
Out-migration	535,606	1.5	1,156,974	2.9	998,815	2.4	272,588	2.0
Net migration [1]	−146,628	−.4	−468,001	−1.2	−272,311	−.7	+886,940	+6.4

[1] Minus sign (−) denotes net loss. Plus (+) denotes net gain.

(3) World War II

Although the volume of internal migration in the United States during the war is known to have been greater than in normal peacetime years, data available is not sufficient to measure it exactly. An indication can be obtained by comparisons with the data for the years 1935 to 1940, but migrations during the depression years cannot be regarded as normal. The number of migrants for the period 1935 to

[96] U. S. Bureau of the Census, Current Population Reports, Series P-20, No. 14 (Apr. 15, 1948), table II, p. 5. For a break-down by sex and race, see Appendix VIII, table 6, p. 853.

1940 was approximately 15,734,798, and for 1941 to 1945 the number of migrants was approximately 15,330,000.

The volume of civilian migration during the war was greater, roughly by two-thirds, on an annual average basis than it was during the prewar period from 1935 to 1940. This vast movement was composed of citizens and aliens.

Wartime civilian migration numbered 15,330,000 in March 1945, according to estimates of the Bureau of the Census in a special population report on civilian migration in the United States from December 1941 to March 1945 (released September 2, 1945). The estimates show that more than 12 percent of the civilian population in this country was living in a different county from the county of residence on December 7, 1941, when war broke out. This figure is only a partial measure of total population movements during the period. In addition, there was a movement of some 12,000,000 members of the armed forces. Persons who had moved but had returned to their 1941 county residence by March 1945 were not counted as migrants. The combined total of civilian migrants and men and women in the armed forces was about 27,330,000.

More than half of the civilian migrants between 1941 and 1945, about 7,790,000, crossed State lines. Long-distance migration within the United States during the war, as in the past, was predominantly westward. Between 1941 and 1945 the West made a net gain of about 1,160,000, or 7.7 percent, in civilian population in the exchange of migrants within other regions. The South lost about 850,000, or 2.1 percent; and the North also lost about 310,000, or 0.4 percent, in the exchange.

Of the wartime migrants who poured into the West, the greater number were from the North and South, while only 400,000 moved out of the West into the other two regions. In addition to the westward movement, there was a large amount of migration between the South and the North. About 1,000,000 migrants moved from the South to the North, and approximately 600,000 moved from the North to the South. Thus, the South was the heaviest loser in the interchange of migrants among regions, losing both to the West and to the North. It is estimated that altogether more than 1,600,000 persons moved from the South to the other regions.[97]

Families, as well as unattached individuals, migrated in large numbers during the war. Children under 14 years of age made up nearly one-fourth of the intercounty migrants.

A large majority of the wartime civilian migrants were women, partly because so many of the men of "migratory" ages were absorbed into the armed forces. The total of 11,810,000 civilian migrants 14 years old and over was composed of about 7,100,000 women and 4,700,000 men. Servicemen's wives who moved to the places where their husbands were stationed and those who went to live with relatives when their husbands were inducted undoubtedly account for a large number of female migrants, although there are no statistical data on this subject.[98]

[97] Civilian Migration in the United States: December 1941 to March 1945, Population Special Report, released September 2, 1945.

[98] For a detailed break-down of migrants by age and status, see appendix VIII, table 7, p. 854.

(4) Postwar period

Postwar migration, including approximately 1,501,000 veterans of World War II, was placed at approximately 10,700,000 on the basis of data from a survey made in October 1946 by the Bureau of the Census, covering a representative national sample of the civilian noninstitutional population.

The 10,700,000 migrants during this period made approximately 12,200,000 actual intercounty moves. About 10 percent of all these migrants made more than one move and only 3 percent moved three or more times. The rate of migration was highest among males who were veterans of World War II, and there was practically no difference in the proportion of male veterans, male nonveterans, and females who made multiple moves. Approximately 11.7 percent of the male veterans in October 1946 had moved one or more times as civilians since the war ended.

In general, the number of migrants who moved within a State was only slightly higher than the number who moved between States, and the number of migrants within the States also exceeded interstate migration in the war period.

(a) Reasons for postwar migration

Employment and housing problems seemed to be the most important basic reasons for migration during this period. Of the estimated 10,700,000 migrants between VJ-day (August 14, 1945) and October 1946, nearly 6,000,000 moved for reasons connected with their job or with the job of the head of their family. An additional 1,855,000 persons moved for reasons directly or indirectly related to the housing situation, and only about one-tenth of the migrants moved more than once in the 14 months following VJ-day.[99]

On the basis of tabulations from the October 1946 survey, it was determined that approximately all persons who moved did so because the head of their family moved. Approximately 60 percent of all female migrants, 14 years of age and over, and 90 percent of all migrants under 14 years moved for that reason. In addition, about 8 percent of the female migrants, 14 and over, and almost an equal proportion of all migrants under 14 years of age moved to join the head of the family, who was most likely either in the armed forces or recently discharged from the service and had settled in another locality. Further evidence that many families with children moved during this postwar period was the fact that more than one-quarter of all migrants were under 14 years of age.

(5) Nativity and citizenship of migrants

The data on nativity and citizenship of the population, classified by migration status and type of migration for 1940 are summarized as follows:[1]

[99] See appendix VIII, table 3, p. 854.

[1] U. S. Bureau of the Census, census of 1940, Internal Migration ,1935 to 1940—Social Characteristics of Migrants, table 1, p. 3.

Class	All Classes	Native	Foreign-born		
			Total	Naturalized	Aliens and not reported
Total population	131,669,275	120,074,379	11,594,896	7,280,265	4,314,631
Nonmigrants	114,428,296	103,998,121	10,440,175	6,700,125	3,740,050
Migrants	15,734,798	14,898,479	836,319	503,177	333,142
Within a State	9,239,749	8,751,296	488,435	286,644	201,809
Between contiguous States	3,142,257	2,986,764	155,493	93,734	61,759
Between noncontiguous States	3,352,792	3,160,419	192,373	122,799	69,574
Immigrants (from possessions or foreign countries)	359,499	132,588	226,911	32,449	194,462
Migration status not reported	1,136,682	1,045,191	91,491	44,514	46,977

The small group of natives classified as immigrants is made up partly of persons born in the United States who moved to foreign countries or to territories and possessions of the United States prior to April 1, 1935, and returned to the United States during the period from April 1, 1935, to April 1, 1940, and partly of persons born in the territories and possessions who moved to continental United States during that period.

b. Negroes

The Negro population in 1940 numbered 12,865,518, which was 9.8 percent of the total population of the United States. Between 1930 and 1940, there was an increase of 947,375, or 8.2 percent, as compared with a 7.2 percent total population increase over the decade. While the rate of increase of Negroes was slightly above that of the total in 1940, it was notably less than the Negro rate of 13.6 percent in the preceding decade. In 1790, Negroes were 19.3 percent of the total, in 1880, they were 13.1 percent, and, by 1940, they were only 9.7 percent.

In 1940, over 76.99 percent of the Negro population lived in the South, as compared with 78.7 percent in 1930. The North had 21.68 percent and the West 1.33 percent of the 1940 Negro population, an increase between 1930 and 1940 of 1.4 percent in the North and 0.3 percent in the West. The distribution of the Negro population, by geographic divisions, in 1930 and 1940 is shown as follows:[3]

Region	Population 1940	Population 1930	Actual increase 1930–40	Percent increase 1930–40
New England	101,509	94,086	7,423	0.8
Middle Atlantic	1,268,366	1,052,899	215,467	20.5
East North Central	1,069,326	930,450	138,876	15.0
West North Central	350,992	331,784	19,208	5.8
South Atlantic	4,698,863	4,421,388	277,475	6.3
East South Central	2,780,635	2,658,238	122,397	4.6
West South Central	2,425,121	2,281,951	143,170	6.3
Mountain	36,411	30,225	6,186	20.5
Pacific	134,295	90,122	44,173	49.0
Total	12,865,518	11,891,143	974,375	8.2

[3] U. S. Bureau of the Census, Statistical Abstract of the United States, 1948 (69th ed.) (1948), table 19, p. 20

The Negro population in the North increased 15.8 percent during the decade ending in 1940, 41.8 percent, in the West, while the increase in the South was only 5.8 percent. This reflects the continued migration of Negroes from south to north. This migration, as in the past, has drawn heavily from southern rural areas to the industrial cities of the North.

The cities with the largest Negro population in 1940 are shown below: [4]

City	1940 Negro population	Percent of total population	Percent of increase 1930–40
New York	458,444	6.1	39.9
Chicago	277,731	8.2	18.7
Philadelphia	250,880	13.0	14.2
Washington	187,266	28.2	41.8
Baltimore	166,843	19.3	16.7
Detroit	149,119	9.2	19.5
New Orleans	149,043	30.1	15.0
Memphis	121,498	41.5	22.6
Birmingham	108,938	40.7	12.8
St. Louis	108,765	13.3	16.2
Atlanta	104,533	34.6	16.1

The rates of increases in the cities listed above suggest the continued urban trend of the Negro population from 1930 to 1940. Although the proportion of Negroes in the total population has been consistently declining, their proportion in the largest cities is markedly increasing, particularly in the northern cities. In the southern cities, the proportions represent an actual decline since 1890. It appears, therefore, that the Negro population is no longer predominantly a rural population, since between 1930 and 1940 the nonwhite rural farm population decreased 3.9 percent, as compared with an increase of 0.7 percent for the white rural farm population. (Nonwhites, other than Negroes constitute only 0.4 percent of the total population.) [5]

c. Puerto Ricans

Collective American citizenship was conferred upon Puerto Ricans in 1917. Since practically all Puerto Ricans are now American citizens, they are free to migrate to the continental United States without compliance with general immigration restrictions; consequently, no agency keeps accurate information regarding their actual number here.

The population of Puerto Rico in 1945 was reported to be 2,087,112; in 1940, it was 1,879,741; and 1, 551,838 in 1930.[6]

Prior to World War II, comparatively few of these people migrated to the mainland, and although reliable statistics are not available respecting the Puerto Ricans who are currently migrating to the United States, the number is estimated to be very high. In 1947, for example, it was estimated that the Puerto Rican population in New York alone was over 231,000. Most of these persons are settling in New York in the sections of Manhattan known as East Harlem, and a large number are settling in the Bronx. The influx of Puerto Ricans

[4] Charles S. Johnson, The Negro Minority, The Annals, American Academy of Political and Social Science, September 1942, p. 12.
[5] Ibid., p. 10.
[6] United States Bureau of the Census, Statistical Abstract of the United States 1948 (69th ed.) (1948) p. 9.

in this area is apparently creating a serious social and economic problem.

In the fiscal year 1947, there were 103,194 arrivals from and 67,015 departures to Puerto Rico, a net gain of 36,179. During the fiscal year 1948, there were 95,593 arrivals from and 68,725 departures to Puerto Rico, a net gain of 26,868. The number of arrivals on the mainland from Puerto Rico, and departures to Puerto Rico from the mainland, from 1941 to 1948 indicate the scope of the problem: Arrivals totaled 337,678 compared with 221,709 departures to Puerto Rico, a net gain of 115,969 individuals.[8]

d. Aliens

(1) 1935–40

The alien has always been an important element in the stream of people moving to various parts of this country. The 1940 census gives information regarding the citizenship of migrants for the 1935–40 period. Aliens constituted 3.3 percent of the population, although only 2.1 percent of all migrants were aliens. This is accounted for in part by the greater age of the aliens: The median age of the native-born was 26.9 years in 1940 and that of the aliens was 48 years. Migrants are normally concentrated in the younger age groups.

About 40 percent of the 1935–40 alien migrants moved from one State to another, constituting 131,333 (61,759 between contiguous States and 69,574 between noncontiguous States) out of a total of 333,142 alien migrants. Aliens moved out of the Northeastern and North Central States and moved into the South, and especially into the West.[9]

(2) November and December 1945

A special study of alien migration was made by the Immigration and Naturalization Service for the 2 months of November and December 1945, by using the change of address cards filed by aliens with the Service, and during that period 16,144 change of address cards were filed. The following types of reported changes of address were excluded from the study:

1. Shifting from one house to another in the same community.
2. Moves from War Relocation facility to some other address.
3. International changes of address.

Of the 16,144 cards filed, 12,154 were eliminated for the three reasons stated. The balance of 3,990 showed that 52.7 percent of these alien migrants crossed State lines. Over half of the interstate migrants (57.6 percent) moved from one region to another. Alien migrants were going on long trips seeking adjustments or changes from wartime to peacetime economy. There were 1,886 migrants who shifted from one community to another within the same State but there was a very slight drift from country to city. This was apparently true for all four of the geographic regions.

In 1940, over four-fifths of the aliens in continental United States were in New York, California, Pennsylvania, Massachusetts, Illinois, Michigan, New Jersey, Texas, Ohio, and Connecticut. Of the aliens

[8] U. S. Immigration and Naturalization Service, Annual Report, 1948, table 30A.
[9] Hugh Carter and Le Roy De Puy, Migration of Aliens in the United States, Monthly Review, Immigration and Naturalization Service, August 1947, p. 22.

in this study, 54.1 percent of the out-immigrants moved away from and 65 percent of the in-immigrants moved into one of these States, so there was a net gain from migration. The situation is not uniform. Most of the gains were in California with 8.1 percent of the out-migrants and 25.6 percent of the in-migrants. There were smaller gains in New York and Massachusetts. The remaining seven States lost migrants, although most of these losses were very slight. The largest losses occurred in Ohio, Michigan, and New Jersey—areas of concentrated wartime activity.

The largest regional increase was in the West, with smaller gains for the South. The largest loss was recorded for the North Central States, with a smaller loss for the Northeastern States. The rate of loss in alien population for the North Central States was over five times that for the Northeastern States. The West and the South had nearly the same rate of gain. The Northeastern States had a very small loss.[10]

(3) *Postwar period*

There were about 170,000 persons who came from outside continental United States as civilians between August 1945 and October 1946, and who made no subsequent intercounty moves during the period. Of these persons, about 60 percent were women. This immigrant group consisted, in part, of foreign brides and children of servicemen who had married while serving abroad during the war.[11]

(4) *Alien emigrants*

Aliens who depart from the United States after residing in this country for a year or more, or who depart after being admitted for permanent residence are classified by the Immigration and Naturalization Service as "emigrants."

Of the 7,442 emigrants who departed during the fiscal year of 1945, 3,997 reported their future residence as a European country, including 3,022 destined for Great Britain, 242 to France, and 191 to Portugal. Included in the Western Hemisphere emigration were 1,170 to Mexico and 567 to Canada.

Of the nonemigrants who departed, during the fiscal year of 1945, 84,145 had been admitted for temporary stay as nonimmigrants, while 1,775 were legally resident aliens leaving for a temporary sojourn abroad.[12]

The following tables indicate the residence of emigrants in the United States prior to their departure during the fiscal years of 1943 and 1944:[13]

Length of residence	Number of emigrants	
	1943	1944
Total	5,107	5,669
1 to 5 years	2,630	3,862
6 to 10 years	423	432
11 to 15 years	418	249
16 to 20 years	681	386
21 to 25 years	445	309
Over 25 years	510	431

[10] Ibid., pp. 22, 23.
[11] U. S. Bureau of the Census, Current Population Reports, Population Characteristics, Series P-20 No. 4, p. 2.
[12] U. S. Immigration and Naturalization Service, Monthly Review, December 1945, p. 240.
[13] U. S. Immigration and Naturalization Service, Annual Reports, 1943, table 8a, and 1944, table 11.

The length of residence of 1945 emigrants was as follows:[14]

Length of residence:	Number of emigrants, 1945
Total	7,442
Less than 1 year	57
1 to 4 years	4,682
5 to 9 years	1,457
10 to 14 years	210
15 to 19 years	294
20 to 24 years	270
25 years and over	396
Unknown and unreported	76

(5) Distribution of aliens

Distribution of aliens was provided for in the Immigration Act of 1907. This was to be accomplished by setting up a Division of Information which was charged with the duty of promoting a beneficial distribution of aliens admitted into the United States among the several States and Territories desiring immigration.[15]

Under the law, the Immigration Service was to have correspondence with State officials for the purpose of gathering information regarding resources, products, and physical characteristics of the various States, and to publish such information in different languages and to distribute such information among all aliens who may ask for it at immigration stations. Whenever States or Territories appointed agents for the purpose of seeking immigration, they were permitted to have access to aliens to offer them inducements to immigrate to their State or Territory. The same essential functions were provided for the Information Division in the Immigration Act of 1917.[16]

The Division of Information was active from its establishment until 1921, when it was discontinued because no appropriations were made for its continued operation. During its active life, the major activities were concerned with placing immigrants in jobs.

The first branch office was opened on Ellis Island (later transferred to New York City) and the actual work of assisting aliens to secure suitable employment began in 1908, during which year branch offices were opened in Baltimore and Galveston. Among the 5,008 workers placed during the first 15 months ending June 30, 1909, over one-half were referred to agricultural districts. The number of placements by the Division increased from 4,283 in 1910 to 283,799 in 1917, but no specific break-down is given on the distribution of workers.[16a]

By 1911 the Immigration Commission concluded that the purposes of the law were apparently not being fulfilled in that the Division of Information was essentially operating as an employment agency, particularly for agricultural districts, and that these workers as a general rule were not distributed with the purpose of becoming permanent settlers in the districts to which they were sent. It recommended that the Division be so conducted as to cooperate with States desiring immigrant settlers and further that information concerning opportunities for settlement should be brought to the attention of immi-

[14] U. S. Immigration and Naturalization Service, Monthly Review, December 1945.
[15] 34 Stat. 898.
[16] 39 Stat. 874.
[16a] The U. S. Employment Service, Service Monographs of the United States Government, No. 28, Institute for Government Research, p. 56.

grants residing in industrial centers who might become agricultural settlers.[17]

In 1914 the grain harvests in the Western States were threatened with loss because of lack of harvest hands and, at the request of the State of Oklahoma, the Division posted in the post offices throughout the States information on needs for harvest hands. This method was followed in connection with other Western States.

In 1915 the country was divided into 18 employment centers, and by June 30, 1915, there were 79 distribution officers of the Division of Information in the country.[17a] The Division of Information became the nucleus of the United States Employment Service in 1914. In January 1918 it was separated from the Bureau of Immigration and established directly under the Secretary of Labor. For 6 months the Division of Information was a part of the United States Employment Service but early in July of 1918 it was returned to the Bureau of Immigration.

According to the annual report of 1920, the Commissioner of Immigration had prepared detailed and extensive plans for expanding the activities of the Division of Information. They were never carried out, however, because of the lack of appropriations, but money was made available for the continuance of the United States Employment Service after World War I.[17b] The Annual Report of the Bureau of Immigration for 1921 does not mention the Division of Information nor is it mentioned in the annual reports of subsequent years.

On the basis of information received, it appears that the purposes of the law were not fulfilled and the procedures provided for in the law were not used. This view is supported by the statement of the Commissioner of Immigration in the 1911 annual report.[17c]

It is unfortunate that the purposes of the law were not fulfilled beginning in 1907 when immigration to this country was heavy. There was a total immigration of over 2.5 million for the 3 years following the enactment of the 1907 law and 5.7 million in the decade following.[18] If the distribution of aliens had been accomplished, there would not perhaps be such a congestion in the urban areas as exists today, or even if it had developed, there would probably be a more effective distribution between the States.

7. MIGRATION OF AGRICULTURAL WORKERS

a. Introduction

Due to the seasonal type of employment in agriculture, a considerable number of migrant workers and their families habitually move with the seasons from State to State. This migrant farm labor is needed in the United States largely because certain areas have crop-production patterns with periods of peak labor requirements that cannot be supplied from local sources. The requirement and the use of seasonal agricultural labor from outside are important characteristics of the agricultural economy of the United States. An adequate supply of seasonal labor at the proper time is vital to the production of essential food and fiber crops.[19]

[17] Ibid., p. 4.
[17a] Ibid., pp. 10, 11.
[17b] Immigration and Naturalization Annual Report, 1920.
[17c] Annual Report of the Commissioner General of Immigration, 1911, pp. 3-7.
[18] Immigration and Naturalization Service, Annual Report, 1948.
[19] Department of Agriculture, Preliminary Survey of Major Areas Requiring Outside Agricultural Labor, Extension Farm Labor Circular 38, September 1947.

The depression of the thirties, the droughts in 1934 and 1937 of the Dust Bowl area, and the displacement of workers by technological developments on farms are some of the important factors which have contributed to the increase in the supply of migrant workers.[20]

Although definite data on the total number of migrant workers are not available, the Department of Agriculture estimated that there were approximately 1,000,000 agricultural migrants during the calendar year 1946, including workers and dependent members of their families who migrated, but did not work.[21]

The approximate number of different seasonal crop jobs on which workers are employed in the United States at the peak season in each of the various areas is 1,400,000 and it is estimated that these seasonal jobs are normally filled by about 600,000 workers. Many jobs on specific crops begin and end before or after the peak in an area, thereby allowing many workers to work on more than one crop in an area.[22]

It is estimated that more than half of the 600,000 outside workers work on only one job. They move from their home to the job and back home. The homes of these people are usually relatively close to the areas where they work—from 50 to 200 miles. Some are operators of small farms who, with their families, can leave home for short periods; some are city dwellers with low incomes who desire a "vacation" in the country but cannot afford one unless they can obtain employment; and some are students and other young men who do not have an established occupation or regular employment.

About a third of these workers move from area to area and depend upon seasonal farm work in several areas as their principal source of income. The other two-thirds are people who leave their homes for employment for periods ranging from 2 weeks to 3 months. Most of them work in only one area and on only one crop.

The first group might be called professional migrants. Although the number of people in this group is only about half that in the second group, the total number of man-days of seasonal farm work which they perform is considerably greater. Because of their year-round employment in several areas and frequently on several crops, they are a very important source of seasonal farm labor in many parts of the country.

b. Major areas using outside agricultural labor

The areas in the United States requiring migratory farm workers are scattered across the country from Florida to Washington, from Maine to California. The most extensive needs are the Mississippi Valley Delta cotton area, which includes Missouri, Arkansas, Mississippi, and Louisiana; the cotton area extending from Corpus Christi, Tex., north through the black lands and west to the Plains of Texas, and further west to the irrigated valleys of New Mexico and Arizona; the San Joaquin Valley of California; the wheat and small-grain area of the Plains stretching across 11 States from Texas to North Dakota and Montana; the delta area of California, extending 100 miles south from Sacramento; the sugar-beet area consisting of irrigated valleys in the Plains area east of the Rocky Mountains; the lower Rio Grande Valley of Texas; and the area east of the Cascade Mountains in Oregon

[20] U. S. Bureau of Labor Statistics, Harvest Nomads, 1945.
[21] Department of Labor, Migrant Labor, March 1947.
[22] Department of Agriculture, Preliminary Survey of Major Areas Requiring Outside Agricultural Labor, Extension Farm Labor Circular 38, September 1947.

and Washington, consisting of the Yakima and related irrigated valleys that produce apples and other crops.

In approximate order the 16 States needing the largest number of outside farm workers are: California, Texas, Arkansas, Washington, Michigan, Florida, Louisiana, North Dakota, Oregon, Mississippi, Colorado, Kansas, New York, Idaho, New Jersey, and North Carolina.

It is estimated that somewhat more than a third of the migrants are part of six major migratory movements, which are as follows: [23]

1. The Atlantic coast movement leaves Florida in the spring and acquires a few additional workers in the other southeastern States as it moves north to work in the South Carolina, North Carolina, Virginia, Maryland, Delaware, New Jersey, and New York areas, and returns south in the fall. This movement is composed largely of Negro families who are transported in trucks. Employment is usually arranged beforehand, and it is estimated that between 20,000 and 30,000 workers are involved.

2. The second movement leaves Texas in April and May for the sugar beet and related areas of the North Central and Mountain States. Most of the workers are recruited in Texas by sugar-beet companies. When sugar-beet thinning and hoeing are completed in July the workers find employment on other crops or at nonagricultural jobs until the sugar-beet harvest begins in late September or early October. They return to Texas in November. This movement is composed largely of Latin-American families, and it is estimated that between 40,000 to 60,000 workers are involved.

3. The third movement follows the wheat and small grain harvest from Texas to Montana and North Dakota and even into Canada. Combines and combine-operators, and men from Texas to Canada join the movement in late May or June. They work as the grain ripens. Some return home at the completion of the winter wheat harvest late in July. Others continue north to the spring wheat harvest and return home in September. This movement is composed largely of single men or men who leave their families at home. Approximately 5,000 combines and 30,000 combine-operators and workers are involved.

4. The fourth movement follows the cotton harvest from the lower Rio Grande Valley to the Corpus Christi area, to the Texas black lands, to the Texas Plains, and to the irrigated valleys of New Mexico and Arizona and California. A branch of this movement swings eastward to the Mississippi Delta. Some workers go south from other parts of Texas to the lower Rio Grande Valley where the cotton harvest starts in late June and early July. Others join the movement as it goes north and west or east. Many return home in late November and December from the Mississippi Delta and west Texas. Those going farther west usually return in January. This movement is largely composed of Latin-American families who are transported in trucks. A few, particularly those going to the Mississippi Delta, are recruited in advance, but most make their employment arrangements as they move. It is estimated that from 60,000 to 80,000 workers are involved.

5. The fifth movement is from the South Central to the North Central States. Employment is largely in connection with the

[23] For a graphic presentation of these movements, see the map in appendix VIII, figure 1, p. 884.

peach, cherry, tomato, and apple crops. The northward movement is in July and August and the return in September and October. This movement is largely composed of Anglo-Saxon families who travel in family cars. As workers have their homes over a wide area and find employment in many places the travel patterns are diverse and the size of the movement difficult to determine. Probably between 10,000 to 30,000 workers are involved.

6. The sixth movement is composed of those who work in the Western States. A portion of this movement leave the South Central States, including Texas, Arkansas, Oklahoma, and Missouri in June and July and returns in September and October. Another portion leaves Arizona and southern California in May and travels north to several areas and returns in October, November, and December. Others who have homes in various parts of the Western States join the migrant-worker group in the spring and follow the crops until fall. The travel patterns are diverse and many of them do not follow a pattern similar to that of the east coast movement, northward in the spring and summer and southward in the fall. Instead many of the workers make several moves back and forth between areas and harvests for different crops during the season. (For example, some workers may thin peaches in the Sacramento Valley in May, go south to pick cherries in the Santa Clara Valley in June, go north to pick cherries in the Yakima Valley in late June and early July, return to Santa Clara Valley to pick apricots in July, go to Sacramento Valley to pick peaches in August, go north again to the Yakima Valley to pick pears and apples in September and October and then return home. As the pattern cited is only one of many which exists in the western area, it is very difficult to estimate the number of migrants who follow the crops as distinguished from those who leave home to work in a single crop and return home.) Most of the workers travel as families and get jobs after they arrive in an area. Migrants in the West have diverse racial background. More than half are Anglo-Saxon, about a fourth are Latin-American, and smaller portions are American Indian, Filipino, Negro, and Japanese. The number of workers who follow the crops in the West is probably between 60,000 and 120,000.

c. Trends in outside labor requirements

Requirements for outside farm labor in the various areas and sections of the United States are constantly changing and will be affected by increases or decreases in acreage of various crops as well as by shifts from extensive crops with low labor requirements to intensive crops with high labor requirements and vice versa. Likewise, bumper yields will increase requirements, while low yields (resulting from drought, excess rain, late frosts, insect damage, and other factors) may materially reduce outside labor needs in local areas.[24]

Technological developments, such as the mechanical cotton picker, the mechanical sugar-beet harvester, potato-harvesting combines, increased efficiency of workers through training, and improved and more efficient farming methods, will also reduce the number of outside workers needed in many areas. The level of industrial activity in a given area which may draw farm help into industrial employment will affect the supply of outside farm labor.

[24] Preliminary Survey of Areas Requiring Outside Agricultural Labor, Department of Agriculture, Extension Farm Labor Circular 38, September 1947.

d. Housing facilities for outside workers

Housing for outside workers ranges from excellent in some areas to inadequate and very poor in others. In a few localities where the need for outside workers is of short duration, suitable housing is practically nonexistent. Tent camps and reconverted farm buildings have been used to fill this need. Workers in family groups and crews usually carry their own bedding and cooking equipment and in some cases provide themselves with tents or trailers. In many areas cooperative associations of farmers and producers have been formed to operate camps for housing seasonal farm labor coming into the area. Good housing and wholesome living conditions are becoming recognized as prime essentials to attracting necessary supplies of seasonal farm help to areas of need.[25]

e. Puerto Rican agricultural workers

An agreement was concluded in the spring of 1949 between the Federal Security Agency and the Puerto Rican Department of Labor to give preference to Puerto Ricans regularly employed in farm work, who are interested in agricultural employment in the United States, when local labor is insufficient to meet crop employment needs. The purpose of the agreement is to provide an orderly method for employers to recruit Puerto Ricans.

It is estimated that during the Puerto Rican sugarcane season, from May to November, about 142,000 Puerto Ricans are employed in the industry and between 60,000 and 75,000 are unemployed in the off season. During the Puerto Rican off season, in the 5 months from December to April, an estimated 60,000 to 75,000 qualified agricultural workers would be eligible for farm work in the United States.[26]

f. Alien agricultural workers

(1) Temporary workers

Mobilization of war workers and military needs created serious labor shortage in many agricultural areas during World War II, and there was danger of losing crops so imperative in time of war. Consequently, the Federal Government developed a program to transport workers from areas of supply and from foreign countries to areas of critical need. Approximately 200,000 agricultural and industrial workers were brought in for the emergency.[27]

Approximately 64,522 alien agricultural laborers were in the United States on June 30, 1947, many of whom were brought in for the emergency. Of that number, 51,933 were from Mexico, 5,557 from the Bahamas, 5,540 from Jamaica, 664 from Barbados, 489 from Canada, 279 from Newfoundland, and 60 from British Honduras.[28]

The importation of agricultural laborers was continued by congressional authorization until December 31, 1947,[29] and agricultural workers have since been admitted through exercise of the ninth proviso to section 3 of the Immigration Act of 1917, as amended.[30]

A formal agreement was entered into between the United States and Mexico in 1948 which contemplates the recontracting or importa-

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[25] Ibid.
[26] Department of Labor, Labor Information Bulletin, March 1949, p. 12.
[27] Migrant labor.
[28] Annual Report, Immigration and Naturalization Service, 1947, p. 14.
[29] 61 Stat. 55
[30] 39 Stat. 874

tion of upward of 50,000 Mexican agricultural workers for temporary employment. Approximately 11,000 were imported under the agreement during the year, and 12,000 already temporarily employed in the United States under previous arrangements were recontracted for continued employment. Under informal arrangements made by employers through the British West Indies Central Labor Organization, authority was granted for the importation of some 10,000 British West Indian agricultural laborers. Authority was also granted for the admission of 2,000 Canadian unskilled farm laborers and industrial workers.

During May and June 1948, discussions were held between representatives of Canada and the United States to work out plans to import 7,000 Canadian agricultural laborers for employment in the State of Maine as potato pickers, beginning about September 1948. The recruitment of Mexican and British West Indian agricultural workers is continuing.[31]

(2) Immigrants

During the fiscal year ended June 30, 1947, there were 3,462 aliens admitted and 427 departed, who gave their occupations as farmers and farm managers, and 442 aliens entering and 1,602 departing whose occupations were listed as farm laborers and foremen.[32]

From June 30, 1946, to June 30, 1947, there were 1,961 aliens naturalized who listed their occupations as farmers and farm managers and 586 whose occupations were reported as farm laborers and foremen. Of the former group, 1,663 were from Europe, 210 from the Philippines, 59 from Mexico, 24 stateless persons, 2 from China, 1 from the West Indies, and 2 from South America. The latter group consisted of 209 individuals from Europe, 78 from Mexico, 292 from the Philippines, 1 from China, 2 from the West Indies, and 4 stateless persons.[33]

M. Occupation and Employment

1. Definitions and Limitations

a. Definition of categories

Economically, the population may be divided into two categories: (1) those in the labor force, and (2) those not in the labor force. The term "labor force" is used to cover all types of workers, professional persons as well as common laborers. It includes not only those persons employed but also those persons seeking employment. Roughly speaking, the age range of the "labor force" classification is from 15 to 65 years of age. Hence, any comparison of the labor force with the population present must exclude those persons under 14 years of age.

The labor force has been subdivided into persons employed (except on emergency work) and those not employed. The classification of persons employed has been further broken down into occupational categories.[34]

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[31] Annual Report, Immigration and Naturalization Service, 1948, p. 16.
[32] Annual Report, Immigration and Naturalization Service, 1947, table 10A.
[33] Ibid., table 40.
[34] (1) Professional and semiprofessional workers; (2) farmers and farm managers; (3) proprietors, managers, and officials (except farm); (4) clerical, sales and kindred workers; (5) craftsmen, foremen, and kindred workers; (6) operatives and kindred workers; (7) domestic-service workers; (8) protective-service workers; (9) service workers (excluding domestic and protective workers); (10) farm laborers and foremen, and (11) laborers (except farm).

Not included in the "labor force" category are persons engaged in housework (for themselves), in schools, incapacitated for work, in institutions, and generally persons not otherwise includible in the labor force.

b. Scope of statistics

The population statistics in this report are for the census year 1940. No statistics on occupation of the foreign-born by nationality are included, since they have not been compiled by the Bureau of the Census, the Bureau of Labor Statistics, or the United States Employment Service. Statistics on occupations of immigrants by nationality in the portion of this report entitled "The Immigrant and Economics" are for the years 1945, 1946, and 1947. The Department of Labor classification of occupations was changed in 1940, so that the figures in the annual report of the Secretary of Labor for 1940 do not wholly coincide with those of the Immigration and Naturalization Service for the later years nor does the nationality classification in that report compare exactly with the classification contained in the Immigration and Naturalization reports. Nevertheless, the figures contained in the 1940 report of the Secretary of Labor are included in the appendix for comparison.

2. POPULATION PRESENT

a. By race

The foreign-born of the white race, together with the foreign-born Negroes, Chinese, and Japanese, comprise by far the greatest proportion of the foreign-born in the United States, numbering 11,587,626 persons out of a total of 11,594,896 foreign-born persons in 1940.[35] While statistics for this group would not wholly represent the foreign-born in this country, nevertheless, they are adequate to permit conclusions for the foreign-born to be drawn from them and comparisons made with comparable statistics for the native-born.

(1) Labor force

Of a 1940 population of 131,669,275, 52,789,499 persons (about 40 percent) were included in the labor force.[36] The labor force of the foreign-born group totaled 5,914,300 persons,[37] 51 percent of the total foreign-born population, a somewhat higher percentage than that for the entire population. Out of this labor force available in the foreign-born group, 5,148,127 persons (87 percent of the total) were employed (not including persons on emergency work such as WPA) in March 1940. Of the entire population in 1940, 45,166,083 persons were employed, a slightly lower percentage of employment (85.5 percent) than that for the foreign-born group. A comparison of employment of the foreign-born with that of the native-born is presented later in this study.[38]

Statistics for 1940 show that 595,192 persons or 10 percent of the foreign-born labor force were seeking employment, while 5,093,810

[35] The figure on the number of foreign-born persons present is the sum of the figures given for foreign-born white (see table cited in footnote 2) and for the foreign-born of the nonwhite races (U. S. Bureau of the Census, Characteristics of the Nonwhite Population, p. 2). The foreign-born white numbered 11,419,138, and the foreign-born nonwhite totaled 175,758.

[36] U. S. Bureau of the Census, Population, Second Series, Characteristics of the Population (1943), table 16, p. 44.

[37] Statistics on foreign-born are from Population, Second Series, Characteristics of the Population 1940, table 16, p. 38. The figures on the foreign-born of the other races are from the census publication, Population, Characteristics of the Nonwhite Population by Race, 1940, table 7, p. 44.

[38] See charts appendix IX, tables 1 and 2, p. 856.

persons [39] or 9.6 percent of the entire labor force were seeking work. It is apparent from these figures that the foreign-born group had only a slightly higher percentage of persons seeking employment than did the whole labor force.

There is some variation between the races which make up the foreign-born category. The foreign-born white had a lower proportionate labor force than the foreign-born Negro, Chinese, and Japanese. The percentage for the foreign-born white was 50.7 (a labor force of 5,798,076 out of a population of 11,419,138); foreign-born Negro, 66.8 percent (a labor force of 56,113 out of a population of 83,941); and Japanese, 71.2 (33,738 out of a total population of 47,305). The foreign-born Chinese topped all groups with 70.8 percent, a labor force of 26,373 out of a population of 37,242.

In 1940, there were 9,468 foreign-born Negroes (16.9 percent of the foreign-born Negro labor force) seeking employment. Foreign-born white persons seeking work numbered 582,558 or 10 percent of the foreign-born white labor force. Chinese seeking work comprised 8.4 percent of the foreign-born Chinese labor force (2,230 persons seeking work out of a labor force of 26,373 persons). Japanese had the lowest percentage of those seeking work of all of the foreign-born of the races considered, only 2.7 percent or 936 foreign-born Japanese.

(2) Type of occupation

The types of occupations in which the foreign-born participated are based on figures from certain States containing percentages of the total population of the various foreign-born groups in this country.

The foreign-born Negroes are largely concentrated in three occupational categories: (1) Operatives and kindred workers, (2) domestic-service workers, and (3) service workers, except domestic. The greatest number of foreign-born Chinese workers are found in categories (1) and (3). The foreign-born Japanese varied in the type of occupation by State in which the largest number of their nationality were engaged. In California, Colorado, Oregon, and Utah, more foreign-born Japanese were engaged in farming than in any other occupation. In New York, the numbers employed as proprietors, domestic-service workers, and other service workers were nearly equal. In the State of Washington, the foreign-born Japanese were fairly well distributed throughout the listed occupations.[40]

No statistics were available on the occupations of the foreign-born whites.

b. By citizenship

(1) Disability of aliens

The alien in the labor force is hampered in obtaining employment in at least two ways: (1) By State laws [41] and (2) by the attitude of employers.

(a) State law

States have enacted numerous restrictions on the occupations in which an alien may engage. An examiner in the Adjudications Office of the Immigration and Naturalization Service, wrote:

> In addition to the qualifications imposed by employers, the alien is often confronted by certain statutory restrictions, for every State in the Nation has enacted

[39] U. S. Bureau of the Census, Population, Second Series, Characteristics of the Population (1943), table 16, p. 38.

[40] See appendix IX, table 2A, p. 857.

[41] Certain employment disabilities attach to aliens also as a result of Federal regulations covering defense industry, particularly in time of war.

legislation discriminating against the alien in a wide variety of professions, occupations, and trades.[42]

Some States require only a declaration of intention on the part of the alien to qualify him for the prohibited professions. Others require full citizenship and such a prohibition may deprive the alien of his principal means of livelihood for a period of 5 years. Types of occupations for which citizenship is required range from peddlers and liquor dealers, to attorneys and certified public accountants. More States require citizenship as a prerequisite for engaging in the legal profession and for operating a liquor store than for any of the other occupations.

(*b*) *Employer practices*

Aliens also must contend with an attitude of reluctance on the part of employers to employ anyone but citizens. Fields concluded on the basis of a survey:

> All the responses to the survey pointed to a practice of discrimination in employment in favor of citizens (or holders of Declarations of Intentions) as against aliens. Such a situation actually exists. It was indicated all too clearly that a significant proportion of the unemployed are not at work solely because they are aliens. They are not unemployed because of inability, or because they do not possess sufficient qualifications, or because of the dearth of jobs—but just because of their political status.[43]

(*2*) *Labor force*

(*a*) *Comparative statistics*

According to Rubin,[44] 53.8 percent of the aliens in the United States in 1940 over 14 years of age were in the labor force, which is only slightly higher than the percentage for the labor force for the whole of the United States, 52.2. The percentage of male aliens in the labor force in 1940 (89.6) also exceeded that of the United States as a whole (79.0). Only among the female aliens was the percentage in the labor force smaller than that for the United States as a whole. A larger percentage of aliens were also unemployed (17.8 percent) than was the case for the entire United States (14.4 percent). The unemployment difference between the alien and the entire United States is higher for males than females. "An examination of the estimates of unemployment made by the Bureau of the Census and of the number of aliens reported as unemployed by the Immigration and Naturalization Service indicates that about 7 percent of the unemployed in the fall of 1940 were aliens. At that time aliens constituted only 3.7 percent of the national population." [45]

The higher unemployment rate is perhaps partly due to the disability under which the alien labors when seeking employment.

(*3*) *Occupations*

(*a*) *Comparative statistics*

Statistics gathered in the administration of the Alien Registration Act show that aliens present in 1940 had a smaller percentage of persons engaged as professional, semiprofessional, and farm managers and owners than the population as a whole. They were most preva-

[42] Herman I. Branse, State Laws Barring Aliens From Professions and Occupations, Monthly Review, U. S. Immigration and Naturalization Service, March 1946, vol. III, No. 9, p. 281.
[43] Harold Fields, Unemployment and the Alien, South Atlantic Quarterly, January 1931, vol. XXX, No. 1, p. 60.
[44] Ernest Rubin, Unemployed Aliens in the United States, 1940, Monthly Review, U. S. Immigration and Naturalization Service, May 1946, vol. III, No. 11, p. 308.
[45] Ibid.

lent in the service occupations and in the craftsmen and foremen category.

On the basis of a 5-percent sampling by the Census Bureau in 1940, it was estimated that 91.2 percent of the total population were native-born. Aliens constituted 2.6 percent of the population and the foreign-born as a whole comprised 8.8 percent of the total population. Aliens constituted a larger proportion than their share of the population in several occupational categories: Proprietorship, craftsmen, operatives, domestic service, service workers, farm laborers, and other laborer categories. The foreign-born, as a whole, exceeded their population percentage in relatively the same occupational categories as the alien, with only three exceptions. They constituted only 4.6 percent of the farm-laborer category, while their ratio of the population present was 8.8 percent. In the protective services, the foreign-born constituted 9.3 percent, but aliens contributed a percentage less than their proportion of the population. The only other point of dissimilarity between the occupational rates of the foreign-born and the alien was in domestic service, with the foreign-born comprising the same percentage that they formed of the population present. The alien, on the other hand, contributed a higher percentage.[46]

(4) Labor force

(a) Comparative statistics

Of the total labor force in this country in 1940 (52,789,499), the native-born white contributed the greatest proportion, 78.3 percent, foreign-born white contributed 10.9 percent of the total labor force, native-born Negro constituted 10.1 percent, the foreign-born Negro 0.1; and the other races combined formed 0.6 percent of the American labor force in 1940.[47]

The foreign-born white had a higher proportion of its number unemployed than did the native-born white. The native-born white contributed 78.3 percent of the labor force and 76.5 percent of the unemployed, while the foreign-born contributed 10.9 percent of the labor force and accounted for 11.4 percent of those seeking employment.

The comparison between the native-born Negro and the foreign-born Negro yields less sharply defined results; both groups show a proportionately higher rate of unemployment than their percentage of the labor force. For example, the native-born Negro group comprises 10.1 percent of the labor force, and 11.4 percent of those seeking employment (percentages for the foreign-born Negro: Labor force, 0.1 percent; unemployed, 0.18 percent).

The native-born of all races listed (white, Negro, Chinese, and Japanese) show a smaller percentage of unemployment (87.94) than they form of the labor force (88). The foreign-born, on the other hand, show a slightly higher percentage of unemployment (11.67) than their part of the labor force (11.16).[48]

[46] See appendix IX, table 3, p. 858.

[47] The percentages presented were based on figures gained from the Bureau of the Census publications: Population, Second Series, Characteristics of the Population, Summary, 1940, table 16, p. 44; and Population, Characteristics of the Nonwhite Population by Race, 1940, table 7, p. 44.

[48] See appendix IX, table 4, p. 858, for source of statistics.

3. THE IMMIGRANT AND ECONOMICS

a. Immigration

(1) Effect of quota law of 1924

The National Committee on Immigration Policy notes the following influence of the quota law on the occupational classification of immigrants:

> Of special significance in consideration of the economic effects of the quota laws, is the change apparent in the occupational classifications of immigrants coming to this country since 1924.[49]

The committee further points out that immigrants classified as having "no occupation" have shown the largest increase in the proportion of all immigrants (25.7 percent of the immigrants in 1901–10, 56.7 percent of the immigrants in 1941–45). This increase in the "no occupation" category coincides with the decline in male immigration and the increase in the influx of married women, older persons, and children, most of whom are not employable.

"Laborers, craftsmen, foremen, operatives and kindred workers, and domestic-service workers, in ranking order, have been the principal occupation groups since 1899. The reduction in the quotas of certain nationalities by the Immigration Act of 1924 affected only four of the nine major occupation groups; farm laborers, common laborers, farmers, and craftsmen, foremen, operatives and kindred workers." [50] The Committee on Immigration Policy likewise took special notice of the decline in immigration of farm laborers, farmers, and common laborers.

These decreases were both in percentage and in numbers. Since enactment of the quota law, the influx of professionals and semiprofessionals increased from 1.7 percent of the total immigrants from 1911 to 1920 to 10.4 percent for the 5-year period 1941 to 1945. Yet, the actual number of immigrants who were semiprofessionals and professionals dropped from 95,500 to only 17,913, respectively, due to the sharp decline in total immigration since the beginning of the last depression.[51] Other occupations which showed a percentage increase since the institution of the quota laws were (1) proprietors, managers, and officials and (2) clerical, sales, and kindred workers.

(2) Occupation

(a) By nationality

The Immigration and Naturalization Service made a study on the occupations of immigrant aliens by nationality for the years 1945, 1946, and 1947. At least one country from each geographical area of Europe (north, west, etc.) was selected for this study.

The Lithuanians contributed a higher ratio of professional and semiprofessional workers than any of the other nationalities listed, 15.6 percent of the total of their nationality admitted, while the Italians showed the highest percentage contribution of farmers and farm managers (4.0 percent), Germans in proprietorship (7.5 percent), Irish in domestic occupations, and Poles ranked highest in the craftsmen category.

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[49] National Committee on Immigration Policy, Immigration Under the Quota System, p. 82 et seq.
[50] Gertrude D. Krichefsky, Relation of the Quota Law to General Characteristics of Immigrants, Monthly Review, U. S. Immigration and Naturalization Service, February 1946, vol. III, No. 8, p. 267.
[51] National Committee on Immigration Policy, Immigration Under the Quota System, p. 82 et seq.

While the English contributed more persons numerically per occupation than any other nationality listed, it should be remembered that the English quota is much greater than the quotas for the other countries listed. Consequently, the listing by percentage of the total immigration per nationality was utilized.[52]

b. Unemployment

During the war years, when unemployment was at its lowest ebb, little concern was shown about the effect of immigration on unemployment. Today, however, with unemployment over the 3,000,000 mark and showing signs of increasing, the effect of immigration on unemployment has become an important consideration. Statements on the effect of immigration on the volume of unemployment may be found on both sides of the issue. Among those who consider immigration as a contributing cause of unemployment is H. H. Laughlin, who writes: [53]

> We are beginning to realize that by increasing our population by accepting immigrants from Europe and laborers from Mexico and other parts of the Western Hemisphere, we are constantly adding to our unemployment problem.

Ernest Rubin has noted two lines of opinion:

> It is sometimes urged that the foreign-born displace native workers and thereby aggravate the unemployment situation. However, this view has been subjected to considerable attack; in fact, it has been suggested that a contributing cause of unemployment is the restriction of immigration.[54]

Professor Handlin of Harvard University gives the opposite side of the issue in the testimony before the subcommittee:

> But, it seems to me, that has been a very important role that immigrant laborers played. They have been willing to go into new and sort of risky enterprises, risky in the sense that they were the sort of thing that a man with an established job would not go into; they did not have status, they did not have dignity and yet they opened up whole new areas of economic activity.

A more positive statement on the effect of immigration on unemployment is provided by the National Committee on Immigration Policy:

> Unemployment often strikes in economic sectors or in industries in which the immigrants are only employed to a small extent. Thus, the responsibility for unemployment cannot be shoved onto the shoulders of the immigrant; nor could the economic situation be materially improved for the nativeborn, even temporarily, by eliminating immigrants from the picture.[55]

Almost two-thirds of the unemployment in this country in 1940 was concentrated in four occupational groups: (1) Clerical, sales, and kindred workers; (2) craftsmen, foremen, and kindred workers; (3) operatives and kindred workers; and (4) laborers, except farm and mine.[56]

In the period 1931–40, only 16.2 percent of the immigrants to this country were in those occupations. Thus, there was a relatively small influx of immigrant workers in occupations accounting for a high proportion of the unemployment in 1940. It has been stated that "A comparison of the per cent of the labor force unemployed in

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[52] See appendix IX, table 5, p. 858.
[53] H. H. Laughlin, Conquest by Immigration (1939), p. 80.
[54] Ernest Rubin, "Unemployed Aliens in the United States, 1940," Monthly Review, U. S. Immigration and Naturalization Service, May 1946, vol. III, No. 11, p. 308.
[55] National Committee on Immigration Policy, "Economic Aspects of Immigration" (1947), p. 37.
[56] Considerable comment on this is made in the National Committee on Immigration Policy's booklet "Economic Aspects of Immigration."

individual states with the per cent of its population foreign born shows that there is no correlation between the amount of unemployment and the size of a state's immigrant population." [57] For example, the States of Missouri and Illinois had exactly the same percentage unemployed in 1940 but Missouri had a foreign-born population of 3.0 percent, while Illinois had a foreign-born population of 12.3 percent.

The evaluation of the effect of immigration on the employment market is not as simple as the partisans of either view assert. First of all, the immigrant is generally on the margin of the labor market, more likely to be influenced by adverse economic and social conditions. His net effect on unemployment may, therefore, be much greater than that of a member of the native working force.

c. Emigration as a result of economic stress

In considering the effect of the immigrant on economics, some reference should be made to the tendency of the immigrant to emigrate from the United States as a result of economic stress during periods of business depression. During the last depression, for example, emigration exceeded immigration for the better part of 4 years (1931–35). In this connection, it has been claimed that the immigrant acts as a safety valve "by relieving the excess labor supply resulting from business contraction." [58] Others claim that the immigrant increases employment by providing more consumers (since such a large percentage of immigrants are persons not includible in the labor force).

d. Distribution

Perhaps the answer to the problem of the immigrant and economics is a more equitable distribution of immigrants in the field of employment. This idea is not novel. It was advanced as far back as 1906 in the Annual Report of the Commissioner-General of Immigration:

> So far as aliens of the desirable classes are concerned, a solution of the immigration problem does not consist so much in bringing about a reduction in numbers—for there is yet room in this country for the right kind of settlers—as in securing, by some means, a proper distribution of those who come to us.

This statement was made, of course, prior to the institution of quota restrictions but this does not destroy the utility of the idea. The suggestion resulted in the formation of the Division of Information, pursuant to section 40 of the Immigration Act of 1907.[59] The agency ceased to function in 1921 because no further appropriation was made for its work. It had functioned principally as a job distribution agency. Though the activities of the Division were curtailed, interest in its functions remains. T. B. Shoemaker, former Acting Commissioner of the Immigration and Naturalization Service stated:

> Activities relating to the distribution of aliens have continued within the Service, and the importance of the problem is widely recognized.

Unemployment often is a matter of geography and type of occupation. Jobs may be lacking in New York City, while similar employment is available in western cities. Likewise, at a given time, there may be a demand for skilled tailors, while there is no demand for typesetters.

A study of the occupational outlook in this country was made in connection with the Displaced Persons Act (80th Cong., 2d sess.) to

[57] National Committee on Immigration Policy, Economic Aspects of Immigration (1947), p. 40.
[58] Ibid.
[59] For a more detailed analysis of the work and results of the Information Division, see Sec. L, p. 268.

show the need for workers by occupation, as well as the available displaced persons in each general industrial classification.[60] Committees were set up in a number of States to facilitate the placement and assimilation of these persons. This represents an effort to secure "the proper distribution" suggested by the Commissioner General.

4. SUMMARY

From the foregoing discussion certain conclusions may be drawn:

a. Population present

1. The foreign-born present in the United States in 1940 had a higher concentration of persons in the labor force than was average for the entire population.
2. The foreign-born present in the United States in 1940 had a higher percentage of persons employed from their labor force than the entire population had from the whole labor force.
3. The foreign-born present in the United States in 1940 had a slightly higher proportion of their labor force seeking employment than did the entire population.
4. The foreign-born Chinese had the highest concentration of persons (of their race in their labor force) of the races considered for 1940.
5. The foreign-born Japanese had the lowest percentage of those seeking work of all of the foreign-born of the races considered.
6. The alien and the foreign-born exceed their fair share (based on the percentage that they form of the population) of representation mainly in the service occupations, the proprietorship classification, and the farm-labor category.

b. The immigrant and economics

1. Since enactment of the quota law, there has been a large increase in the immigration of persons having no occupation.
2. Since enactment of the quota law, there has been a decline in immigration numerically and percentagewise in four categories: (1) Farm laborers; (2) farmers; (3) craftsmen, foremen, operatives, and kindred workers; (4) common laborers.
3. Since enactment of the quota law, there has been an increase in immigration, percentagewise but not numerically, in three classifications: (1) Professional and semiprofessional workers; (2) proprietors, managers, and officials; (3) clerical, sales, and kindred workers.

5. RECOMMENDATIONS

a. Retention of the quota system

Since it is evident from the foregoing discussion that immigration under the quota law has small effects on the employment situation, it is recommended that, from an economic standpoint, the present quota system be maintained. In view of the possible rising unemployment situation, recommendation that quota allotment be expanded cannot be made.

[60] U. S. Senate, Committee on the Judiciary, Displaced Persons in Europe, Report 950, 80th Cong.

b. Strengthening of the Division of Information

In order to effect the maximum utilization of immigrant manpower, it is recommended that the Division of Information be revitalized (or a similar body created) and the scope of its activities increased in order to: (1) Supply consular officials with information on the employment needs of industries in the United States; and (2) effect a proper distribution of immigrants geographically and economically.

The purpose of the first recommendation is to base immigration preference on the employment needs of the United States. If, upon a hearing, the Division of Information decided that there was a bona fide need for workers—after testimony by representatives of both labor and industry—in a certain industry, such information could immediately be dispatched to the consular officials. It is not suggested that employment needs should be the sole criterion governing the granting of preferences. Nor that the contract labor provisions of the present law be voided. It is only suggested that current employment needs should be given adequate consideration.

H. R. 4567, to amend the Displaced Persons Act of 1948, sought to give preference to persons with specified occupations as listed in the act. Because of the rapid economic and technologic changes, such a method is not practicable in a permanent immigration law.

The full value of the first suggestion would not be utilized without the adoption of the second. Upon an immigrant's arrival he should be given notice where there is the greatest need for a person of his skills. If there is no need for his type of skill or if the immigrant is denied the right to pursue his vocation until citizenship is attained, he should be told the employment opportunities in other occupations that he may be able to pursue.

The obvious objection to such a system would be that, unless the system were compulsory, the United States would have no assurance that the immigrants coming to this country under an "immigration need" provision would work in the desired industry and settle in the desired area. The only answer to such an objection would be that, even if the plan worked with only a 10-percent effectiveness, results would represent an improvement and a larger gain economically from immigration than is possible under the present law.

N. Population and Natural Resources

1. INTRODUCTION

Present and potential natural resources of the United States in relation to the population are an important consideration in the analysis of immigration problems.

A discussion of the question of economic optimum population cannot be categorical but must necessarily treat the question in the light of the varied points of view. For one thing, while present resources can be fairly accurately established, potential resources are in part, at least, subject to conjecture. Any consideration of the possibilities of new resources, both real and synthetic, as substitutes for present resources, is open to debate. The degree of material assistance which will be supplied to other countries of the

world cannot, of course, be definitely determined. Finally, fluctuation of the economic status in other parts of the world, particularly in Asia and Africa, and the population problems of other countries, are factors which affect the problem of optimum population in this country.

This section presents an over-all perspective of the problem and lines of thought on the subject. The evaluations of our natural resources are discussed, together with the opinions of demographers, with regard to population trends, currents, and potentialities.

2. POPULATION PERSPECTIVE OF THE UNITED STATES

In the course of a century and a half, the United States has developed from a small, primarily agricultural Nation, relatively isolated from the affairs of the rest of the world, to a large, primarily urban, industrialized world power. It is more than historical coincidence that the period of most rapid urbanization and industrialization is also the period of most rapid population growth.

The industrial revolution brought about the growth of cities and ushered in the machine age. Simultaneously, a rapid increase in the world's population occurred. This was aided by scientific discoveries which resulted in control of various diseases formerly highly destructive to human life.

a. Population gains

Since the taking of the first census in 1790, the population of this country has increased from 3,929,000 to 131,669,000 as of 1940.[61] During the first 70 or 80 years of this period, the rate of population increase was approximately 30 percent per decade, with the exception of the period from 1860 to 1870, when the rate of increase amounted to about 23 percent. While the gain in numbers has continued to be substantial up to the present time, the rate of increase has declined since 1880. For example, the percent of increase for the decade from 1920 to 1930 was 16.1 percent, while for the decade from 1930 to 1940, the increase was 7.2 percent.[62]

In the 18 years following 1930, when immigration to this country was the lowest in a century, the population increased by 23,000,000.[63] According to estimates by the Census Bureau, the population of the United States will reach a peak of about 165,000,000 in 1990 and will then begin a gradual decline.[64] The peak represents an expected increase of approximately 25 percent in the 50 years following 1940. During the 50 years prior to 1940, there was a population increase of more than 100 percent.

These estimates of future population do not take into account the factor of immigration during the period covered. According to the Immigration and Naturalization Service, there was a net immigration of nearly 9,000,000 for the period 1908 to 1948.[65] Approximately 10 percent of the net increase occurred during the 20 years that the "national origins" quota law has been in effect. On the same basis, a net immigration of some 3,000,000 may be expected during the period from 1949 to 2000. This total, plus additional numbers of offspring

[61] U. S. Bureau of the Census, Sixteenth Census of the United States, vol. I, p. 14.
[62] U. S. Bureau of the Census, Statistical Abstract of the United States, 1948, p. 7.
[63] Population Reference Bureau, Population Bulletin, September 1948, p. 29.
[64] U. S. Bureau of the Census, Forecasts of the Population of the United States, 1945-75 (1947), p. 39.
[65] U. S. Immigration and Naturalization Service, Annual Report, 1948, table 11.

to the immigrants, would add substantially to the estimates as shown in the Census Bureau report.

A subsequent report of the Census Bureau, which is a revision of the earlier report, indicates that the original estimates and projections are lower than the actual increase up to the present time.[66] The wartime and postwar birth rate has been chiefly responsible for the larger increase. For example, the original projections indicated that children under 5 years of age on April 1, 1945, would number between 11,679,000 and 11,992,000. Wartime babies, however, swelled the total to 13,058,000.

b. Factors in population growth

The population of the country as a whole can grow only through (1) net immigration and (2) natural increase. In past decades, immigration has materially affected population growth. It is estimated that from 1840 to 1910, over one-fourth of the total gain in white population was due to the net immigration.[67] During the decade from 1880 to 1890, immigration contributed 43 percent of the total population increase. The passage of the quota acts and the depression of the 1930's curtailed immigration to this country, and thus materially lessened this source of population growth. Moreover, during World War II, the flow of immigrants to this country was greatly reduced. Through the years, therefore, natural increase has been more important by far than net immigration as a factor in the growth in population of this country.

c. Economic optimum population

As mentioned earlier, the economic optimum population for this country is an extremely controversial question. Some feel that our population has already exceeded this optimum. Spengler states that, while we do not know with precision what the economically desirable number of our population should be, "there is every reason to suppose * * * that we have long since passed it in the United States and in the larger European economies." [68] The Population Reference Bureau urges a stabilization of population quantity and improvement in population quality, both in this country and in European countries, in order to ease the pressure on diminishing natural resources. The Bureau pointed to an excess of 2,035,300 in the number of births over deaths for the year 1946 in the 16 Marshall plan countries of Europe. During the same year, there was a corresponding excess of births over deaths in the United States of some 1,893,055.[69]

Sociologists, economists, and demographers differ widely in their views on an economic optimum population for the United States. Some feel that this country is already overpopulated. Others maintain that we can support twice the present population at a standard of living higher than that which we now enjoy. The opinion of many who have studied the problem is, however, that, on the basis of present material resources, the economic optimum population of the United States is at least several million less than the present population and may be as low as 100 million.[70] The assumption that our present popu-

[66] U. S. Bureau of the Census, Forecasts of the Population of the United States, 1945-75 (1947).
[67] W. S. Thompson and P. K. Whelpton, Population Trends in the U. S. (1933), p. 303.
[68] J. J. Spengler, Population and Per Capita Income, Annals, American Academy of Political and Social Science, January 1945, p. 187.
[69] U. S. Bureau of the Census Statistical Abstract of the U. S. (1948), pp. 68 and 72.
[70] U. S. Bureau of the Census, Forecasts of the Population of the United States, 1945-75 (1947), p. 64.

lation is above the economic optimum does not necessarily indicate that the larger population forecast for the future will not have a higher standard of living than that of today. In fact, it has been stated that technological advances and scientific discoveries will make possible a higher living standard for the increased population.

Whether an increase of population causes new economic methods to be discovered and adopted or whether the adoption of new methods offers an opportunity for an increase in population cannot be proved, but it seems that each time a new economic development takes place, there is an increase in population which approaches the limit of subsistence and then levels off until a new or further economic development makes another population increase possible. That economic development is not the only factor in population growth may be seen by studying France, which has had continued economic development, but whose population has remained stationary for some time.

d. Future trend of population

(1) Size

The probable future trend of our population is expected to follow this pattern:

1. A declining birth rate.
2. A declining mortality rate.
3. An increase in population age.
4. A decline in rate of population growth, leading to an eventually static population.

From the point of view of the population as a whole, mortality measures only one aspect of national vigor.[71] To maintain the vital balance, the additions by births must be adequate. In a number of the more highly civilized countries of the world, especially in some countries of western Europe, the birth rate has been declining rapidly for years. More recently, this situation has occurred in the United States as well. Had the mortality rate not been lowered substantially, our population trend would be substantially different.

In Canada and some of the western European nations, the long-time decline of the birth rate and the slowing of population growth have led to the adoption of population policies designed to reverse, or at least check, this trend. Payments have been made to families in these countries, based on the number of children in the family.

It is estimated, however, that birth rates in the United States have been sufficiently high during the w[illegible] and postwar years to maintain a stationary population for some time.[72]

(2) Age composition

The Census Bureau report shows increasing proportions in older age groups and decreasing proportions in younger age groups.[73] Whereas, in 1946, the proportion of our population 65 years of age and over was approximately 7 percent of the total population, estimates for the year 2000 indicate 13 percent will be in this age group. On the other hand, the proportion of the population under 15 years of age, which was 25 percent in 1946, is expected to drop to 19 percent by 2000.

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[71] Louis I. Dublin and Alfred J. Lotka, Trends in Longevity, Annals, American Academy of Political and Social Science, January 1945, p. 132.
[72] U. S. Bureau of the Census, Forecasts of the Population of the U. S., 1945-75 (1947), p. 72.
[73] U. S. Bureau of the Census, Forecasts of the Population of the United States, 1945-75 (1947).

Thompson estimates the following age composition of our population by 1975, assuming that present trends continue: [74]

Age:	*Percent*
0 to 4	6.8
5 to 19	21.4
20 to 44	36.5
45 years and over	35.3

A similar analysis for the year 1940 is as follows:

Age:	*Percent*
0 to 4	8.0
5 to 19	26.4
20 to 44	38.9
45 years and over	26.7

As the age of the population increases, an increased mortality rate is bound to occur, and, with continued decrease in birth rates, a stationary and gradually declining population will result. Durand [75] predicts that the average age of our population will continue to rise for at least the next several decades. However, even higher birth rates would not materially affect this situation until they had continued for some time.

The slowing of population growth may serve to improve the quality of the population. There has recently been concern exhibited over the relatively small size of families of persons with high-school or college education, or in medium- or higher-income groups, as compared with the relatively large size of families of persons with elementary education or with low income. Efforts have been made to show that this condition tends to cause a deterioration in population quality.

Whelpton concludes that a gradual slowing up of our rate of population growth appears desirable, for three reasons: (1) It would postpone the exhaustion of our natural resources; (2) it would contribute to our economic stability, and (3) it would lessen the chance of deterioration of population quality.[76]

3. USE AND ABUSE OF NATURAL RESOURCES

a. Need for conservation

Any discussion of the question of economic optimum population must take into account the factor of natural resources, both actual and potential. The real population problem from our economic standpoint is "attaining, and maintaining the most productive ratio between population and natural resources." The desirable thing, economically, is not "to wring from the earth the largest possible *total* product, but to obtain, in return for whatever expenditure of effort the people may regard as normal and proper, the largest, permanently practicable, *per capita* product." [77]

As far as present knowledge of world resources is concerned, this country occupies a fortunate position among world nations. Taylor states, "The more one studies the resources of the world the more astounding is the position of the United States"; it excels in tem-

[74] Warren S. Thompson, The Demographic Revolution in the United States, Annals, American Academy of Political and Social Science, March 1949, p. 66.
[75] John D. Durand, The Trend Toward an Older Population, Annals, American Academy of Political and Social Science, January 1945, p. 142.
[76] U. S. Census Bureau, Forecasts of the Population of the United States, 1945-75 (1947), p. 67.
[77] Dublin, Population Problems in the United States and Canada (1926), p. 68.

perature, rainfall, and coal, so that the center of world industry and white population will inevitably move from Europe to North America.[78]

There is no question, however, that our principal resources need better management and more careful conservation. Our supplies of coal, iron, petroleum, and various other minerals are definitely limited. Today we have substitutes for some of our resources, but for others no substitutes exist at this time. Many substitutes are themselves limited.

Our basic resource is land, the source of our food supply, without which we could not exist. While some have predicted that the world will be able to feed itself indefinitely, others have insisted that population is rapidly outdistancing its means of subsistence. Obviously, the amount of food required is affected by the standard of living maintained in the different parts of the world.

b. Increasing our food supply

Expanding the world's output of food may be brought about by several means: [79]

1. Increasing the amount of land available for agriculture. According to Ross, "the main reservoir of idle rich soil is the tropics, the world's last food frontier." [80] It has been predicted that in the future Brazil alone can support a population two-thirds as large as that of the world and that Africa can be made to feed more than the entire human family of today. The expense of reclaiming forests, swamps, and jungles is not, however, conducive to optimism.

2. Increasing production per acre. A comparison of the decades from 1880 to 1890 and from 1910 to 1920 shows that the efficiency of the American increased 16 percent in the latter period. The United States Department of Agriculture in 1923 expressed the opinion that, for our 10 most important crops, it would be possible to increase average production about 46 percent "when economic conditions shall justify the requisite cost of production."

3. Production of synthetic foods. Synthetic-food production has been increasing during recent years. Vitamins, fats, oils, and a host of other food products are now artificially produced.

c. Conservation agencies

On the debit side of the ledger are certain facts which are both startling and revealing. The depredations of wind, water, and man are now responsible, in the continental United States, for the loss of 500,000 acres of topsoil every year.[81] This stripping robs countless additional acres of their productivity, reduces some to wasteland, and increases the burden of production on other lands. One hundred million acres of our farm land have been ruined for cultivation, at least temporarily.

Some concern about land policy was evidenced in the 1920's, but the Federal Soil Conservation Service was not established until 1935. Today there are in this country 2,010 soil-conservation districts. The Forestry Service, another important conservation agency, has under

[78] Environment, Race, and Migration (1937), pp. 431–432.
[79] H. G. Duncan, Race and Population Problems (1929), p. 375.
[80] E. A. Ross, Standing Room Only? Century (1927), p. 110.
[81] U. S. Department of Interior, Natural Resources Programs, Annual Report (1947), p. 6.

its control 152 national forests, comprising 179,000,000 acres, in the United States, Alaska, and Puerto Rico.[82]

It is to be noted, however, that, whereas our forest and wildlife resources are renewable, our mineral resources are not, although inventory and exploration will doubtless uncover new sources of mineral supply. Production of synthetic minerals is also under way, but the cost of production is still relatively high. "The immediate outlook for mineral supplies in the United States is encouraging. The ultimate outlook is discouraging." [83]

4. THEORIES CONCERNING POPULATION, PRODUCTIVITY, AND NATURAL RESOURCES

A report recently published by the Brookings Institution states that the United States would have the ability to support a population of 300 million 100 years from now, on a plane of living eight times as high as our present standard.[84] The report emphasizes the increased utilization of electronics, plastics, scientific agriculture, soilless food production, synthetic production of oil, and other techniques. Careful conservation and exploitation of our natural resources is also necessary in order that the above situation may result.

Dr. Harold G. Moulton, president of Brookings Institution, stated that food production can probably be tripled through new discoveries, scientific agriculture, control of erosion, land rehabilitation, and reclamation.

Opposite views on the subject have, however, been taken by others. The statement was made by a witness who appeared before the subcommittee that the addition of added population reduces the per capita supply of resources and hence tends to lower production per man-hour and average real income per worker. He further remarked that, no matter how high the quality of immigrants received by this country, we are losers in the final analysis, because we must distribute a part of our resources among them, contending that continued rapid expansion of our population would finally result in a substantial lowering of our standard of living and that the future prosperity of the United States depends upon our ability to keep down our population.

Vogt urges (1) a world conservation program, and (2) population reduction and control as essential factors if mankind is to survive. An extensive public educational program is suggested as a means of arousing the people to the gravity of the situation, as well as to inform them with respect to proper methods to be employed in coping with the problem.[85]

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[82] William J. Gibbons, People and Resources, Our Vanishing Soil, America, September 18, 1948, p. 539.
[83] See L. I. Dublin, Population Problems in the United States and Canada (1926), p. 111.
[84] Controlled Factors in Economic Development, 1949.
[85] William Vogt, Road to Survival (1948), passim.

CHAPTER III

ENFORCEMENT AGENCIES

A. Introduction

This chapter deals primarily with the organization, personnel, jurisdiction, structure, and functions of the principal enforcement agencies dealing with immigration and naturalization.

B. Immigration and Naturalization Service

1. HISTORY

Prior to the enactment of the first general immigration law of August 3, 1882, there was no Federal agency charged with supervision of immigration. The 1882 act[1] vested responsibility for its administration in the Secretary of the Treasury, but actual enforcement was entrusted to State boards or officers designated by the Secretary.

The Immigration and Naturalization Service really had its beginning on March 3, 1891,[2] when Congress created the office of Superintendent of Immigration in the Treasury Department, under the control and supervision of the Secretary. Four years later, his title was changed to Commissioner General of Immigration.[3] In February 1903, Congress authorized the transfer of immigration functions from the Secretary of the Treasury to the Secretary of Commerce and Labor.[4] The act of June 29, 1906,[5] provided for the Federal supervision of naturalization and established the Bureau of Immigration and Naturalization. On March 4, 1913,[6] the consolidated Bureau was transferred to the new Department of Labor and divided into two Bureaus, the Bureau of Immigration and the Bureau of Naturalization, with a Commissioner General of Immigration and a Commissioner of Naturalization at their heads. These Bureaus were placed under the immediate direction of the Secretary of Labor.

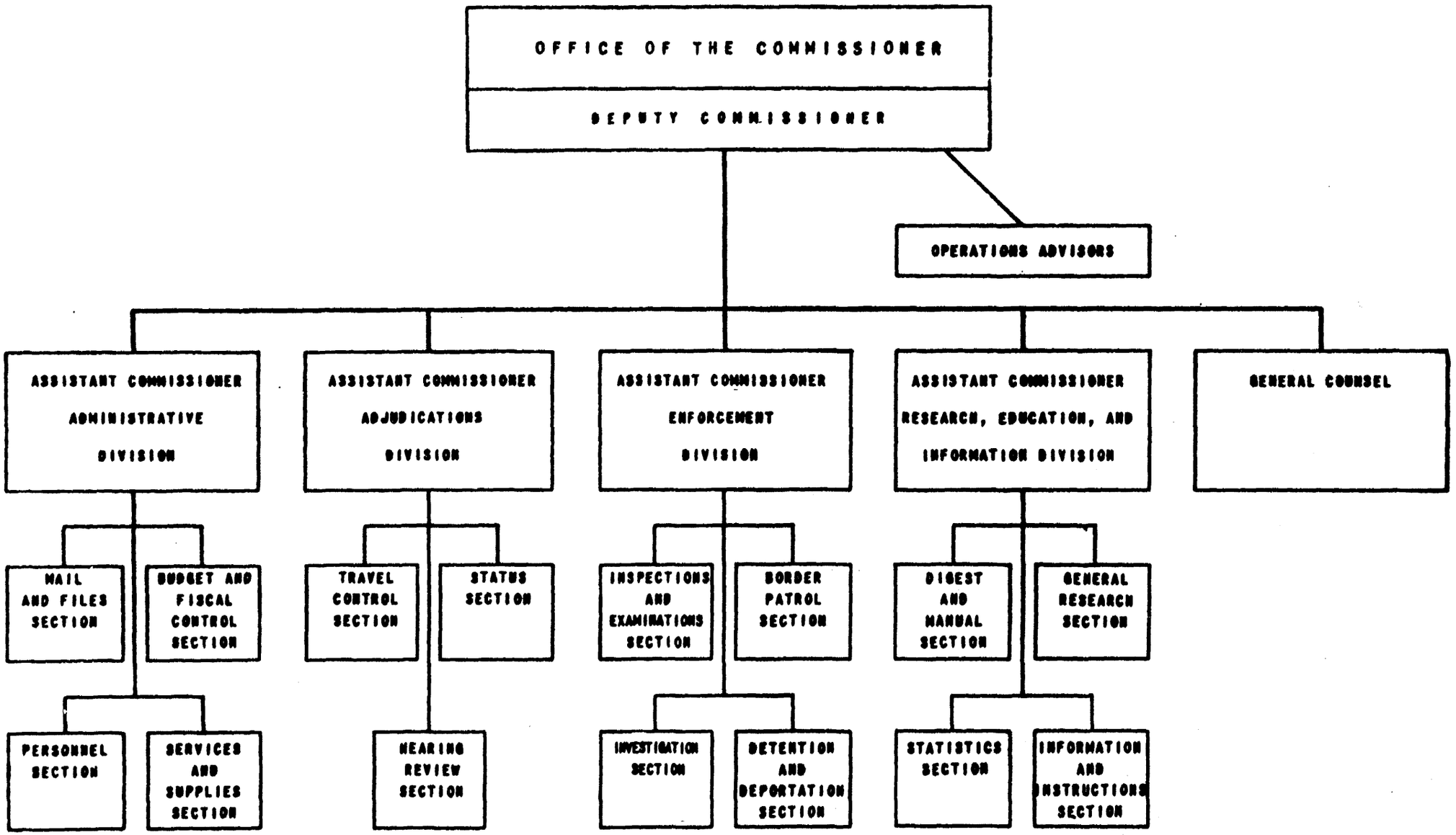
They continued to function until June 10, 1933, when the President, acting pursuant to congressional authority, directed that the Bureau of Immigration and the Bureau of Naturalization of the Department of Labor be consolidated as an Immigration and Naturalization Service of that Department, the head of which should be known as the Commissioner of Immigration and Naturalization.[7] From 1933 until June 14, 1940, the consolidated Service functioned under the direction of the Secretary of Labor.

On May 22, 1940, acting pursuant to the provisions of the Reorganization Act of April 3, 1939,[8] the President submitted to Congress

[1] 22 Stat. 214.
[2] 26 Stat. 1084, 1085.
[3] 28 Stat. 764, 780.
[4] 32 Stat. 825, 826.
[5] 34 Stat. 596.
[6] 37 Stat. 736.
[7] Executive Order 6166.
[8] 53 Stat. 561.

IMMIGRATION AND NATURALIZATION SERVICE

Central Office Organization



December 1, 1949

Lyndon B. Miller
Commissioner

FIGURE 1

Source: Immigration and Naturalization Service.

66116 O - 50 (Face p. 290)

Reorganization Plan No. V, to transfer the Immigration and Naturalization Service from the Department of Labor to the Department of Justice. The plan was approved and, effective June 14, 1940,[9] the Office of the Commissioner and all functions and powers theretofore exercised by the Secretary of Labor relating to the immigration and naturalization laws were transferred to the Attorney General. The Service has since functioned as a part of the Department of Justice under the direction of the Attorney General.

2. ORGANIZATION AND FUNCTIONS

a. General

The Immigration and Naturalization Service is under the administrative supervision and direction of the Commissioner of Immigration and Naturalization. He is assisted by staff and operational officers in the central office. The field service is divided into 16 districts, each headed by a district director and organized functionally along the lines of the central office.

The Attorney General, as the head of the Department of Justice, has supervision and control over the Immigration and Naturalization Service and may exercise certain discretionary powers with respect to the admission of certain inadmissible aliens. He has the power to consider appeals from the Boards of Special Inquiry and to issue orders in deportation proceedings and has direction over the supervision of alien registration and certain duties in the administration of the nationality laws. The Attorney General has, for the most part, delegated to the Board of Immigration Appeals or to the Commissioner of Immigration and Naturalization the actual discharge of his functions relating to immigration and naturalization.

The structure of the central office of the Immigration and Naturalization Service, as of December 1, 1949, is shown in the organization chart opposite page 290.

b. Commissioner and Deputy Commissioner

The Commissioner of Immigration and Naturalization is appointed by the President with the advice and consent of the Senate. He is an officer in the Department of Justice and performs all of his duties under the direction of the Attorney General, to whom he makes annual and other reports in writing. Under the direction of the Attorney General, the Commissioner has (1) charge of the administration of all laws relating to the immigration of aliens into the United States; (2) control, direction, and supervision of all officers and employees of the Immigration and Naturalization Service; (3) authority to issue necessary regulations and instructions and to prescribe forms to carry out the provisions of the law, and to protect aliens from fraud and loss;[10] (4) control of alien registration; (5) charge of the administration of the naturalization laws; and (6) responsibility for the national observance of "I Am an American Day."

The Commissioner, under the general direction of the Attorney General, has been delegated all powers of the Attorney General relating to the administration of the Service and of the immigration, nationality, and other laws administered by the Service. With the approval of the Attorney General, he may designate officers of the Service to

[9] 54 Stat. 230.
[10] Sec. 23, act of February 5, 1917 (39 Stat. 874, 892); sec. 24 of the act of May 26, 1924 (43 Stat. 153,165).

exercise any power or authority of the Attorney General in the administration of any designated specific provision of such laws. In any instance in which any officer is in doubt on the construction of applicable law or the proper principle covering the exercise of discretion, he must refer the matter to the Commissioner for his consideration.

The Deputy Commissioner assists the Commissioner generally in the performance of the duties of his office. In the absence of the Commissioner, he is the acting Commissioner.

(*1*) *Operations advisers*

The operations advisers serve as the representatives of the Deputy Commissioner and Commissioner in coordinating the operating functions of the Service. The operations advisers make periodic inspection trips to the field districts, confer with the personnel, and take such other action as may be required to ascertain all facts on district operations. Reports and recommendations are submitted to the Deputy Commissioner on major operational and staff problems or questions encountered.

c. Central office

There are four divisions in the central office, each of which is headed by an Assistant Commissioner. The Office of the General Counsel is also in the central office.

(*1*) *Administrative Division*

This Division handles the management functions of the Service, including budget preparation, fiscal control, procurement and supplies, custody and control of files and mail, and personnel administration. There are four sections in the division as follows:

(*a*) *Budget and Fiscal Control Section*

This section prepares budget estimates, analyses, operating expenses, maintains fiscal control records, makes quarterly allotments to district offices for personal services, and handles the financial matters of the Service generally. Within the section are the following units: Fiscal Control, Budget Analysis Unit, Receipts Accounting and Voucher Examination and Certification.

(*b*) *Services and Supplies Section*

This section is responsible for providing the Service with necessary supplies and equipment. It develops and constructs radio-communication equipment and supervises the installation of new radio stations, prepares purchase authorizations, performs the work involved in the authorization and execution of all contracts for the Service, and is responsible for the transmission of all communications. Within the section are the following units: Radio Laboratory Unit, Duplicating, Requisitions, and Communications.

(*c*) *Mail and Files Section*

This section is responsible for custody of files, microphotographing, indexing, and the scheduling of all service records. Within the section are the following units: Mail Unit, Files and Index, Consolidated Files, and Arrival Records Microfilm.

(*d*) *Personnel Section*

This section is responsible for the recruiting and placement of employees, correspondence courses for officers and employees of the

Service, and preparation of training manuals. Within the section are the following units: Placement and Records, Classification, Training, and Employees Service.

(2) *Adjudications Division*

This Division is responsible for the adjudications work of the Service in both the field and in the central office. This Division reviews case records, prepares findings of fact and conclusions of law, and recommends to the Commissioner the final determination to be made in cases involving (1) the exclusion and the expulsion of aliens, (2) the exercise of discretionary actions, (3) administrative fines and penalties against transportation companies, (4) the cancellation or forfeiture of immigration bonds, and (5) visa petitions. The Division also makes the final determination on all applications for (1) documents or information authorized by the immigration and nationality laws, (2) the determination of status under the immigration laws and the amendment of immigration records, and (3) certain rights or privileges authorized under immigration and naturalization laws or the regulations made thereunder.

Attached to the office of the Assistant Commissioner for Adjudications is a group of examiners whose function is adjudications review. This group, headed by a chief examiner, is responsible for reviewing the determinations of the Hearing Review, Status, and Travel Control Sections of the Adjudications Division.

(*a*) *Hearing Review Section*

This section is responsible for the preparation of orders based on a review of the hearing and record and an application of the law and administrative discretion in the following cases: (1) Deportation proceedings (expulsion), (2) boards of special inquiry cases (exclusion), (3) application for the exercise of certain discretionary action in admission of otherwise excludable aliens (seventh and ninth provisos to sec. 3 of the act of February 5, 1917) (4) administrative fine proceedings, (5) application for mitigation of fines, (6) extension of time within which an alien may be allowed to depart without the entry of an order of deportation, (7) granting permission to aliens arrested in expulsion proceedings to depart at their own expense or to reship foreign, (8) permission to reapply after removal, expulsion, and exclusion, and (9) assessability of head tax in unusual or difficult cases.

(*b*) *Status Section*

This section is responsible for examining and making the determinations, as well as the preparation of all documents, relating to applications and petitions presented through the adjudication process which involve the granting or fixing of status or the extension, change, or cancellation of status. This section is responsible for directing the administrative process in connection with petitions for naturalization in the naturalization courts and is responsible for making administrative interpretations of the nationality and immigration laws.

Within the section are the following units:

i. Citizenship Certificate Unit.—This unit is responsible for reviewing records with respect to the following: (1) Cases of petitions for naturalization which have been recommended by the designated examiner to be denied or to be granted and cases in which the designated examiner is in doubt as to what recommendations to make; (2)

certain cases of petitions for naturalization of alien enemies: (3) matters involving the determination of the citizenship status of individuals; (4) applications for certificates of citizenship by persons claiming derivation of citizenship through the naturalization of others or through birth abroad of United States citizen parents; (5) determinations as to whether an organization comes within the purview of the Nationality Act, making membership a bar to naturalization, or whether the subversive nature of such organization is such that membership therein would warrant a recommendation for denial of the petition for naturalization; (6) initial consideration of the advisability of prosecuting appeals from decisions of the naturalization courts admitting petitioners to citizenship over the objection of the Immigration and Naturalization Service; (7) applications for certificates of naturalization to obtain recognition as a United States citizen by a foreign state; (8) applications for certificates of naturalization by persons repatriated after having lost United States nationality, under certain circumstances; and (9) applications for the amendment of naturalization records.

ii. Verification of Arrival Unit.—This unit is responsible for reviewing records of evidence in applications for (1) certificates of arrival of persons desiring to make a declaration of intention or to file a petition for naturalization; (2) certification of any part of the naturalization records of any court, or of any certificate of naturalization or citizenship for use in complying with any statute, State or Federal, or for use in any judicial proceeding; (3) verification of arrival in connection with applications for the issuance of visas to relatives; (4) information from, or copies of, the records of the Service, either certified or not; (5) a new certificate of naturalization or declaration of intention in lieu of one which is lost, mutilated, or destroyed, and applications for certificates of lawful entry; and (6) a duplicate alien-registration receipt card in lieu of one which is lost, mutilated, or destroyed.

iii. Exemptions and Record Amendment Unit.—This unit is responsible for reviewing records of evidence and preparing formal orders consisting of a statement of the evidence in the following matters: (1) Applications for exemption from the 1-year-absence rule in connection with residence requirements in petitions for naturalization; (2) requests for change of status from one nonimmigrant class to another nonimmigrant class or to the status of a student; (3) questions involving determination of amendment of records to show true immigration status; (4) creation of records of registry in the cases of aliens who claim residence in the United States but whose legal entry was not recorded; (5) applications for extension of temporary stay filed by aliens who have been admitted as nonimmigrants or immigrant students, where such stay would exceed in length the period within which field offices are authorized to grant extensions; (6) requests for cancellation of bonds posted upon entry into the United States by aliens admitted as temporary visitors to insure departure, and requests for cancellation of bonds as a guaranty that the alien will not become a public charge or that he will maintain the status under which admitted; (7) applications for the importation of contract labor; (8) applications of schools for approval for the attendance of nonquota immigrant students; (9) applications for certificates of

naturalization in cases in which names have been changed subsequent to naturalization by orders of courts or by marriage.

(c) *Travel Control Section*

This section is responsible for examining, making determinations, and preparation and execution of all documents and certificates regarding applications or petitions for documents or waiver of documents relating to travel which are issued by the Immigration and Naturalization Service.

i. Visa Petition and Preexamination Unit.—This unit is responsible for (1) examining petitions for the issuance of certain immigration visas and the documentary evidence submitted in support of such petitions to determine whether or not the petitioner has established that he is a United States citizen capable of supporting the beneficiary and that the beneficiary is admissible as a nonquota or preference-quota immigrant, (2) examining applications for preexamination to determine whether evidence of record establishes that the applicant's case meets the conditions prerequisite to the authorization of preexamination (a procedure whereby an alien in the United States obtains a predetermination of his admissibility as an immigrant prior to departure to Canada to obtain an immigration visa), (3) examining applications for admission submitted by the spouses and children of veterans of the armed forces to determine whether the evidence of record is sufficient to show that prospective immigrants are admissible without an immigration visa.

ii. Reentry and Exit Permit Unit.—This unit is responsible for examining and making determinations with respect to (1) applications by legally admitted permanent resident aliens for permits to reenter the United States after a temporary visit abroad and (2) applications for extension of permits to reenter, where such aliens remain out of the United States beyond the original period of validity of the reentry permit. This unit also supervises (1) issuance by field officers of border-crossing cards to aliens, (2) issuance by field officers of identification cards to United States citizens, and (3) travel-control procedures which include the emergency procedure governing the entry and departure of United States citizens and aliens.

(3) *Enforcement Division*

This Division supervises the enforcement work of the Immigration and Naturalization Service, including immigration inspections, naturalization examinations, hearings, investigations, patrol of borders, and the arrest, custody, and deportation of aliens. The Chief of the Division has authority to issue warrants of arrest and warrants of deportation. Within the Division are the following four sections:

(a) *Inspections and Examinations Section*

This section is responsible for (1) supervision of all procedures relating to applicants for admission into the United States, (2) supervision of primary inspectors engaged in the inspection of persons entering the United States, (3) recommending establishment or continuance of ports of entry, (4) considering waivers of documentary requirements of applicants for admission, (5) supervision over emergent actions of field officers in admitting aliens, (6) enforcing compliance of carriers with certain regulatory provisions of the immigration

laws, (7) supervision of certain aliens admitted into the United States for temporary periods, (8) supervision over certain procedures relating to naturalization and registry, (9) determination of request to depart voluntarily prior to issuance of warrants of arrest, (10) preliminary determination of illegality of aliens' residence in the United States and issuance of warrants of arrest in connection therewith, (11) determination of whether aliens under proceedings are to be held in custody or released under parole or recognizance, (12) supervision of expulsion work, and (13) preparation and distribution of notices to the ports of entry to be on the look-out for certain aliens.

(*b*) *Investigation Section*

This section is responsible for supervising and directing (1) investigation of the cases of aliens believed to be in the United States illegally; (2) investigation of suspected violations of penal provisions of the laws, the enforcement of which is the responsibility of the Immigration and Naturalization Service, that criminal proceedings shall be instituted when violations have been established; (3) investigation of applicants for naturalization to determine whether the requirements for naturalization have been met; (4) all other investigative work of the Immigration and Naturalization Service, irrespective of whether such work originates from the application of the immigration laws, nationality laws, or other laws administered by the Immigration and Naturalization Service; (5) apprehension of aliens who are subject to deportation; and (6) maintenance of records on known and suspected smugglers and their operations.

(*c*) *Border Patrol Section*

This section is responsible for supervising and directing patrol of land and coast boundaries of the United States to (1) prevent the entry of aliens at other than designated ports of entry; (2) prevent the smuggling of aliens into the United States; and (3) apprehend, within a reasonable proximity of the boundaries, aliens entering illegally or who have entered illegally.

(*d*) *Detention and Deportation Section*

This section is responsible for (1) supervision of aliens released under parole, recognizance, or bond to insure appearance when wanted; (2) detention, maintenance, feeding, and care of aliens held by the Immigration and Naturalization Service; (3) issuance of warrants of deportation pursuant to orders of the Commissioner or the Board of Immigration Appeals; (4) issuance of certain removal orders; (5) determination of applications for deportation of alien seamen on vessels other than those on which they arrived; (6) procurement of passports or other travel documents required in the deportation of aliens and for the conduct of liaison work connected therewith with the Department of State and with foreign embassies or legations; (7) arrangement for transfer within the United States of aliens under restraint or under expulsion or exclusion proceedings and arrangements for the deportation of aliens ordered deported pursuant to an excluding or deportation order; (8) determination as to whether aliens under order of deportation may be permitted to depart voluntarily or reship foreign in lieu of deportation; and (9) determination of applications for stay of execution of warrants of deportation.

(4) *The Research, Education, and Information Division*

This Division is responsible for promoting instruction and training in citizenship responsibilities of applicants for naturalization and for maintaining an information office. It supervises preparation, publication, and distribution of the citizenship textbook. The Division cooperates with public schools and other agencies in developing public-school programs of education for adult aliens; sending to schools and other agencies the names of candidates for naturalization; determines the understanding of the fundamental principles of the Constitution by candidates for the purpose of making recommendations to the naturalization courts; conducts special technical studies of immigration and naturalization; maintains an index-digest system embracing the laws, regulations, opinions, and decisions relating to the technical work of the Immigration and Naturalization Service; and prepares and maintains manuals on immigration and nationality from the data recorded in the index-digest system. The following sections are within the Division:

(*a*) *Statistics Section*

This section compiles statistics on all phases of immigration and naturalization.

(*b*) *Digest and Manual Section*

The work of the Digest and Manual Section includes (1) the immigration and nationality manuals and (2) the index-digest system. The immigration and nationality manuals are technical presentations in the nature of source books issued for the guidance of the Service. They incorporate the substance of applicable statutes, regulations, instructions, judicial and administrative decisions, and other pertinent materials. The index-digest system is a compilation of digested judicial and administrative opinions and decisions, and administrative instructions, appropriately indexed and maintained to guide operating officers in determining the cases presented to them.

(*c*) *General Research Section*

The work of the General Research Section falls into three principal areas: (1) Preparing technical studies needed for the information and guidance of the Service; (2) supplying, in response to requests from Members of the Congress, Government agencies, and private individuals and organizations, technical articles, compilations, and special reports on regulations of immigration and naturalization and the foreign-born in the United States, particularly the alien population; and (3) editing Service publications.

(*d*) *Information and Instructions Section*

This section[11] maintains an information office and prepares and reviews information for other Government agencies. This section is responsible for the function of drafting and preparing regulations for title 8, Code of Federal Regulations, and Operations Instructions.

(*5*) *General counsel*

The general counsel is the chief law officer of the Service. He is legal adviser to the Commissioner and other officers of the Service on

[11] Information functions transferred from Administrative Division and Instruction functions from Office of the Commissioner on Nov. 7, 1949.

problems involving the immigration, nationality, or other laws administered by the Service, or any problems of a legal nature which may be incidental to the ordinary work of the Service. The functions of the general counsel fall generally into three principal categories as follows:

(*a*) *Advisory*

The general counsel furnishes opinions upon legal problems arising in the course of the operations of the Service. In addition, the general counsel examines as to legal sufficiency and effect, and in some cases assists in drafting or revising, proposed regulations, instructions, Presidential proclamations, and Executive orders.

(*b*) *Litigation*

The general counsel prepares legal memoranda and briefs for use by the United States attorneys in connection with litigation, and appears in certain cases in the courts on behalf of the Immigration and Naturalization Service.

(*c*) *Legislation*

The general counsel prepares reports stating the views of the Service on pending legislation. In addition, he prepares proposed legislation and acts generally in an advisory capacity on legislative matters affecting immigration and naturalization.

d. The field districts

There are 16 field districts of the Immigration and Naturalization Service, each of which is in charge of a district director. The geographic areas of each of the districts is shown in the map opposite this page. The district director is responsible to the Commissioner for the general administration of the immigration and naturalization law within the district. The district organization is generally composed of the following divisions and sections:

(*1*) *District Enforcement Division*

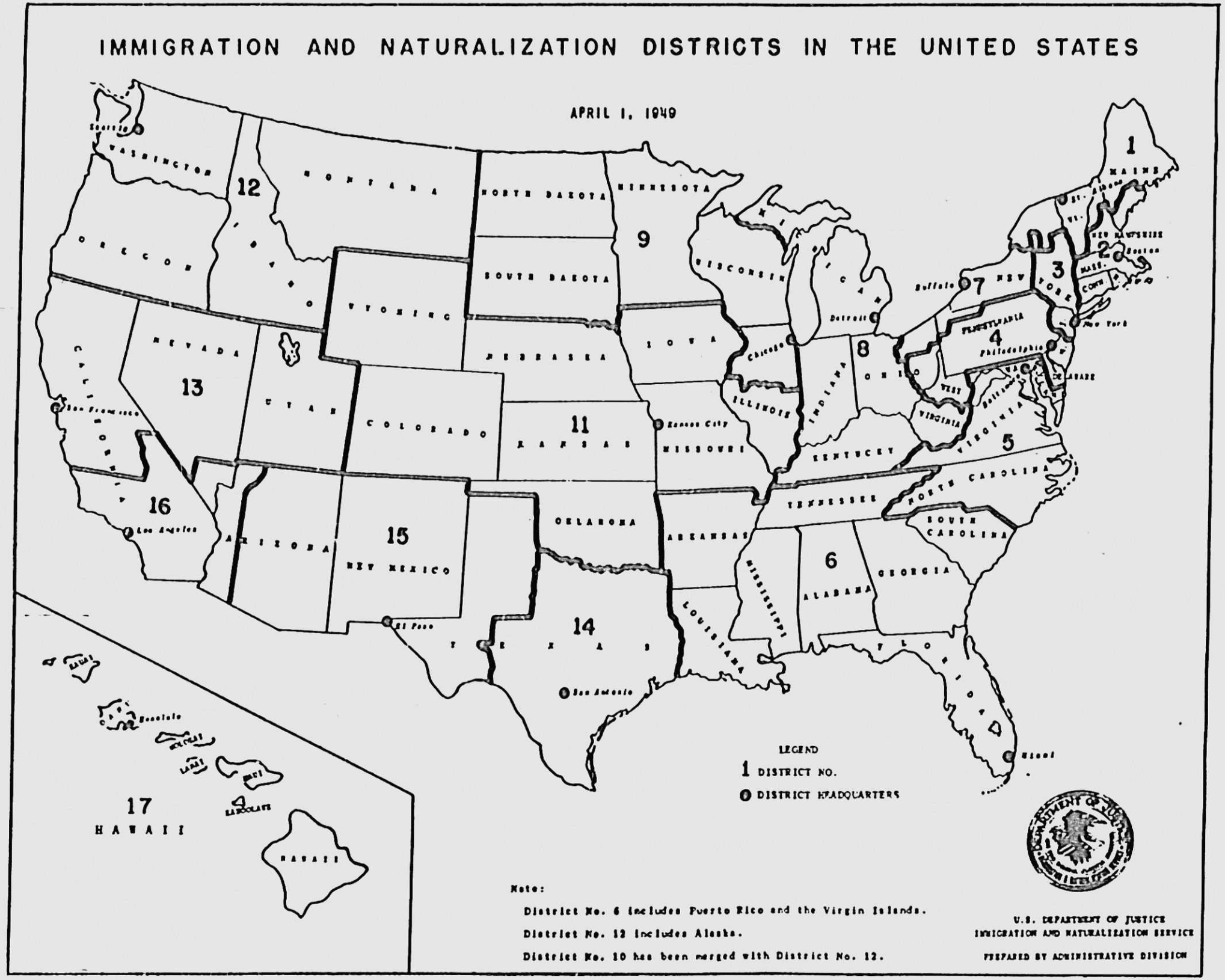
This Division is in the charge of the district enforcement officer and is responsible for direction of all district operating functions and operating personnel.

(*2*) *District Adjudications Division*

This Division is in the charge of the district adjudications officer and is responsible for adjudicative functions not performed in the central office, such as the issuance of warrants of arrest and deportation in certain cases. It represents the Service in certain matters before the courts, such as habeas corpus and prosecutions for violation of the immigration and nationality laws (but not naturalization petitions). The Division also exercises supervision over adjudicative work by officers in the district suboffices.

(*a*) *Entry and Departure Section*

This section is responsible for making determinations on administrative fines; conducting primary and departure control inspection of persons entering or departing from the United States; making determinations on the right of such persons to enter or depart; determining, through boards of special inquiry, the right of entry of persons held on primary inspection; handling preexamination cases; making determinations regarding applications for reentry permits, border crossing identi-



Source: Immigration and Naturalization Service.

FIGURE 2

66116 O - 50 (Face p. 288)

fication cards, and similar documents granted in connection with travel out of and into the United States; making determinations of applications for extension of temporary stay.

(*b*) *Nationality, Status, and Expulsion Section*

This Section is responsible for determinations on applications for citizenship; making recommendations to courts on petitions for citizenship; determining applications for registry; determining administrative issuance of certificates of citizenship, and issuance of new naturalization papers in lieu of those lost, destroyed, or mutilated; handling miscellaneous cases involving citizenship status; making determinations with respect to expulsion of aliens; and obtaining expulsion travel documents.

(*c*) *Investigations and Deportation Section*

This Section is responsible for investigative work, irrespective of origin, under the immigration, nationality, or other laws administered by the Service; custody and control of all aliens who are detained by the Service; transporting aliens under detention from one point to another point within the United States and to foreign countries; control of aliens paroled or released and enforcement of terms of parole; and coordination of activities with other Government agencies involved in the field of detention and parole of aliens.

(*3*) *District Administrative Division*

This Division is in the charge of a district administrative officer and is responsible for administrative work of the district not performed at the central office level, including personnel programs and administrative procedures promulgated by the central office.

(*a*) *Fiscal, Services, and Supplies Section*

This Section is responsible for maintaining district accounts, collection and pay-roll records, custody and control of bonds, preparation of requisitions, maintaining supplies and control of expendable and nonexpendable property, and operation of communication facilities.

(*b*) *Mail, Files, and Information Section*

This Section is responsible for the receipt, distribution, and dispatch of all mail; supervision of messenger service; custody and control of files and index records; custody of arrival records, and verifications when no adjudication is involved; and maintaining an information office, including the replying to routine inquiries which may be answered adequately by forms or printed literature.

(*4*) *Suboffices*

A suboffice is headed by an officer in charge, and is responsible, under the general direction of the district director, for the work of the Service within the suboffice area.

e. The Border Patrol

(*1*) *History*

There is no recorded history of an immigration enforcement agency patrolling our borders prior to the twentieth century. A small force of "mounted inspectors" was established in 1911. They worked with the officers in charge of the various ports of entry. The mounted inspectors were also known at various times as "mounted guards" and

"mounted watchmen," but never numbered more than 75 men. They patrolled the Mexican border and were organized under the direction of the Secretary of Labor.

An immigration border patrol was created by an appropriation act of May 28, 1924,[12] which provided funds for an "additional land-border patrol."

The present Immigration Border Patrol was established in June 1924, following enactment of the Act of May 28, 1924. Prompted by the extent of alien smuggling going on by water into Florida and the Gulf States, Congress extended the scope of the new organization's activities to include a coast patrol in the appropriations act approved February 27, 1925.[13]

(2) Authority

The principal authority of the Immigration Border Patrol inspectors is contained in the act of February 27, 1925, as amended on August 7, 1946.[14] Any employee of the Immigration and Naturalization Service, subject to the approval of the Attorney General is empowered to arrest without warrant any alien who, in such employee's presence or view, is entering or attempting to enter the United States in violation of any law regulating alien immigration or who is in the United States in violation of any such law and is likely to escape before a warrant for the alien's arrest can be obtained. The employee is also empowered to board and search for aliens, without warrant, any vessel within the territorial waters of the United States, railway car, aircraft, conveyance, or vehicle, within reasonable distance from any external boundary of the United States; to make arrests without warrant for felonies committed and cognizable under any law regulating alien immigration, if the person making the arrest has sufficient reason to believe that the arrested person is guilty and is likely to escape before a warrant can be obtained for his arrest; and to execute any warrant or other process issued by any officer under any law regulating alien immigration.

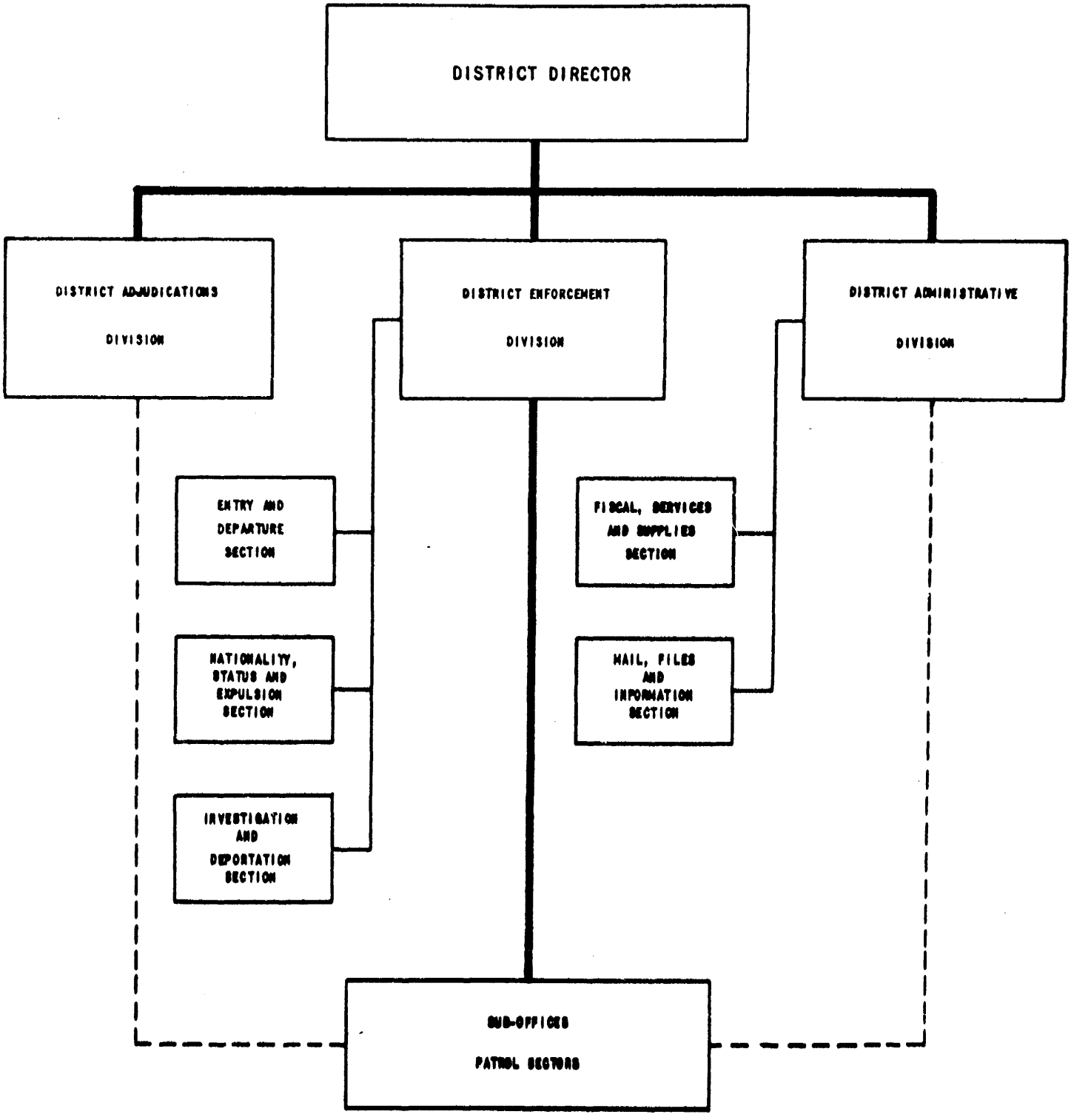
In accordance with the rules of the Service, all immigration patrol inspectors are also designated as immigrant inspectors (without additional compensation). This empowers them, when necessity arises, to conduct inspection work at regular ports of entry and to perform other duties customarily performed by immigrant inspectors, and enables patrol inspectors to take and consider evidence relating to the right of any alien to enter, reenter, pass through, or reside in the United States. Patrol inspectors are also empowered to administer oaths and to take depositions on matters relating to the administration of the naturalization and citizenship laws.

(3) Duties

The Border Patrol is charged with the duty of patrolling the land and coast boundaries of the United States to detect and prevent the illegal entry or smuggling of aliens into the United States at points other than the designated ports of entry. The Border Patrol may arrest, within a reasonable distance from any external boundary of the United States, aliens illegally entering, or who have illegally entered the United States. During World War II, the Border Patrol was given

[12] 43 Stat. 205, 240.
[13] 43 Stat. 1014, 1049.
[14] 60 Stat. 865.

IMMIGRATION AND NATURALIZATION SERVICE
ORGANIZATION
TYPICAL DISTRICT



the additional duty of organizing and operating the civilian internment camps maintained by the Immigration and Naturalization Service for the detention and internment of alien enemies arrested pursuant to the Alien Enemy Act of 1798, as amended.

(4) Organization and functions

The Border Patrol force is divided into 10 major districts. The St. Albans, Buffalo, Detroit, Chicago, and Seattle districts comprise the 5 districts covering the 3,987 miles of Canadian border. The San Antonio, El Paso, and Los Angeles districts cover 5,822 miles of coast and Mexican border. The Miami district covers 3,769 miles of coast area defined as "the southeastern section of the country, including the Florida and Gulf coasts." The New York district includes the greater New York area. General supervision over each of these major districts is exercised by the district director. If the area of the district, its physical characteristics, and the patrol problems warrant it, direct supervision over the district is exercised by the Chief of Alien Control of the Immigration and Naturalization Service. The patrol districts are subdivided into sectors, each of which is directly supervised by a chief patrol inspector who exercises supervision over from 2 to 16 patrol units. An organization chart of a typical district of the Immigration and Naturalization Service is shown opposite page 300.

3. PERSONNEL

a. Total employment

There were 3,775 authorized permanent positions in the Immigration and Naturalization Service for the fiscal year ending June 30, 1938, as compared with 6,784 for the fiscal year 1949.[15] The highest number of any year was in 1943, with 9,401, due to the fact that the Service was required to maintain housing and care of alien enemies who were interned under the President's loyalty program. Furthermore, naturalization was behind nearly 2 years, many of the regular Service employees were in the armed forces, and it was, therefore, necessary to recruit new and inexperienced help for replacements.

The total number of employees authorized for the fiscal year 1948 was 6,930, but average employment was 6,624, due to the fact that there were many lapses and there was a shortage of qualified applicants. Appropriations by the Congress are based on a full authorized force less the number of lapses. The lapses in the number of employees in the Immigration and Naturalization Service generally amount to 3 percent. If maximum employment had been possible, appropriations would not have been sufficient to pay the authorized force.

b. Central office

(1) Number of employees

The authorized force for the central office for fiscal year 1949 was 845, as compared with an authorized force of 269 during fiscal year 1938. The highest number of employees authorized was during 1943. The number of employees authorized for the central office has declined each year from 1943 to 1949, but rose again in 1950.[16]

During the fiscal year 1950, 85 employees were authorized in an administrative and supervisory capacity; 4 in the Office of the Com-

[15] For a detailed break-down of authorized personnel from 1938 to 1950, see appendix X, table 1, p. 859.
[16] See appendix X, table 1, p. 859.

missioner, 8 in the Office of the General Counsel, 12 in the Research and Educational Division, 31 in the Administrative Division, 7 in the Office of the Deputy Commis-ioner, 10 in the Adjudications Division, and 13 in the Enforcement Division. In addition, there were assigned to the central office, 7 investigators, 78 adjudications examiners, 655 clerks, and 35 custodial workers.

c. The field

The authorized force for the field (not including the border patrol), for the fiscal year 1950 was 4,796; 373 are in administrative and supervisory capacities, 1,094 primary inspectors, 30 board of special inquiry chairmen, 457 investigators, 187 deportation examiners, 33 status examiners, 144 naturalization examiners, 311 security officers, 1,873 clerical workers, and 294 custodial workers.

d. Border patrol

(1) Number and location

The authorized force of the border patrol for the fiscal year 1950 is 1,293, 11 in administrative and supervisory capacities; 1,125 are patrol inspectors; 90 are clerical; and 67 are in a custodial capacity. Of the 11 employees in administrative and supervisory capacities, 1 is in the central office and 1 in each of the 10 districts in which the border patrol operates.

Six of the sixteen districts do not have border patrols, Boston, Philadelphia, Baltimore, Kansas City, San Francisco, and Honolulu. Of the 1,125 patrol inspectors authorized for fiscal year 1950, the San Antonio district has 322; El Paso, 245; Los Angeles, 205; St. Albans, 80; Miami, 72; Detroit, 46; Chicago, 35; New York, 40; Seattle, 50, and Buffalo, 30.

e. Pay and expenses

All employees of the Immigration and Naturalization Service are paid under the Classification Act of 1949,[17] with the exception of the Commissioner and the immigrant inspectors.

(1) Classification

The Commissioner is paid a salary of $15,000 per annum.[18] Immigrant inspectors are paid under the so-called Reed-Jenkins Act,[19] which provides that "immigrant inspectors shall be divided into five classes as follows: Grade 1 salary, $2,100; grade 2 salary, $2,300; grade 3 salary, $2,500; grade 4 salary, $2,700; grade 5 salary, $3,000." This act states that immigrant inspectors shall be promoted successively to grades 2 and 3 at the beginning of the next quarter following 1 year's satisfactory service in the next lower grade, and to grades 4 and 5 for meritorious service after no less than 1 year's service in grades 3 and 4, respectively. The salary of Immigrant Inspectors was increased under the 1945, 1946, and 1948 Federal Employees Pay Acts. Immigrant Inspectors in grade 1 now receive $3,100.20; grade 2, $3,351; grade 3, $3,601.80; grade 4, $3,852.60, and grade 5, $4,228.80 per annum.[20]

[17] Public Law 429, 81st Cong., ch. 782, 63 Stat.
[18] Public, No. 359, 81st Cong.; ch. 695, 63 Stat. —.
[19] 45 Stat. 954.
[20] Reclassification of immigrant inspectors was pending under Public, No. 429, 81st Cong.

The salary range of employees in administrative and supervisory capacities is from $3,825 to $10,750. Grade range is from GS–7 through GS–15.

Chairmen of boards of special inquiry are classified as GS–9 and the salary ranges from $4,600 to $5,350 per annum; investigators, GS–7 to GS–10, with salary ranges from $3,825 to $5,750; deportation examiners, GS–9 with salaries from $4,600 to $5,350; status examiners, GS–7, with salaries from $3,825 to $4,575; adjudication examiners, GS–9 to GS–11 with salary ranges from $4,600 to $6,400; naturalization examiners, GS–7 to GS–11, with salaries from $3,825 to $6,400; patrol inspectors, GS–6 to GS–11, with salaries from $3,450 to $6,400; security officers, CPC–6 to CPC–9, with salaries from $2,900 to $4,525; clerical employees, GS–1 to GS–6, with salaries from $2,200 to $4,200; custodial employees, CPC–2 to CPC–10, with salaries from $2,120 to $4,900 per annum.[21]

(*2*) *Overtime*

(*a*) *General*

Overtime is paid in accordance with section 201 of the Federal Employees Pay Act of 1945,[22] as amended by the Federal Employees Pay Act of 1946.[23] For employees whose basic compensation is less than $2,980 per annum, the overtime rate is one and one-half times the basic rate of compensation. For employees whose basic compensation is $2,980 per annum or more, the overtime rate varies inversely with the basic rate of compensation, according to the scale specified in the act.

(*b*) *Inspection of arrivals*

Overtime, including extra compensation for Sunday or holiday duty, is paid pursuant to the act approved March 2, 1931,[24] for duties in connection with the examination and landing of passengers and crews of steamships, trains, airplanes, or other vehicles, arriving in the United States from a foreign port by water, land, or air. Officers receive payment at the rate of 2 days' basic compensation for duty on Sundays or holidays. For duty between 5 p. m. and 8 a. m. or other days they receive payment at the rate of one-half day's basic compensation for each 2 hours (or fraction thereof of at least 1 hour) of such duty.

The act of March 2, 1931,[25] provides that the overtime payments shall be collected from the carriers, except as to inspection at designated ports of entry of passengers arriving by international ferries, bridges, or tunnels, or by aircraft, railroad trains, or vessels on the Great Lakes and connecting waterways, when operating on regular schedules. As a convenient means of distinction, duty for which collection is made from the carriers is commonly referred to as "carrier liability" or "nonexempt" overtime and duty for which the act does not authorize collection from the carriers is commonly referred to as "Government liability" or "exempt" overtime.

Prior to May 6, 1946, the Service had been granting a weekday off in lieu of a Sunday or holiday without extra pay. On May 6, 1946,

[21] The distribution and pay scale of the authorized force for the fiscal year 1950 is shown in appendix X, table 2, p. 861.
[22] 59 Stat. 295, 296.
[23] Approved May 24, 1946, 60 Stat. 216.
[24] 46 Stat. 1467.
[25] Id.

in the case of *Walter A. Renner* v. *United States* and *Peter H. Krupp* [26] v. *United States*, in the United States Court of Claims, it was held that immigrant inspectors are entitled to recover extra pay for services performed on assigned regular tours of duty on Sundays and holidays.

Employees and former employees of the Service may make claims for extra compensation by (1) petitioning the United States Court of Claims, or (2) by filing letters of claim with the General Accounting Office. The statute of limitations for such petitions is 6 years as compared with 10 years applicable to claims filed with the General Accounting Office.

The so-called Renner-Krupp decision applied only to Immigrant Inspectors. During the fiscal year ending June 30, 1948, some new suits and claims were filed and certification of the amount due was submitted, so as to cover other employees of the Service, such as members of the border patrol and secretary-members of boards of special inquiry.[27]

Payment of overtime claims will be made where sufficient funds are turned back from appropriations for the fiscal year during which the debt was incurred. In cases where the funds turned back are not sufficient, it is necessary to request an appropriation to pay the claim.

In many cases, the overtime paid under this act is paid by bus companies, steamship companies, railroad companies, and air lines. Under the Renner-Krupp decision, it was held that if no private transportation company was responsible for the overtime, it is the responsibility of the Government to pay. Under the Renner-Krupp decision, the Government is responsible to the immigration inspector for all overtime pay whether the same is collected from the transportation company or not.

Extra compensation is paid by the transportation companies if officers or employees of the Service have been ordered to report for duty and have so reported, whether the actual inspection or examination of passengers or crew takes place or not. This does not apply to inspection at designated ports of entry of passengers arriving by international ferries, bridges, or tunnels, or by aircraft, railroad trains, or vessels on the Great Lakes and connecting waterways, when operating on regular schedules.[28] It has been stated that in many cases the inspectors must wait months to receive their overtime pay, as the Service pays the inspectors only after receipt of the money from the transportation company.

(3) Night pay differential

Night pay differential is paid to any officer or employee who is assigned to a regularly scheduled tour of duty, any part of which, including overtime, falls between the hours of 6 p. m. and 6 a. m., excluding periods when he is in a leave status; the rate is 10 percent in excess of his compensation for duty between other hours. Authority for the payment of night differential appears in section 301 of the Federal Employees' Pay Act of 1945, as amended by section 10 of the Federal Employees' Pay Act of 1946. This provision applies to

[26] 106 Court of Claims 676.
[27] Immigration and Naturalization Service, Annual Report, 1948, p. 50.
[28] 46 Stat. 1467, 1468.

all civilian officers and employees in the executive branch of the Government.

(4) Quarters allowance

Quarters allowances are paid to employees stationed in Canada and Cuba, pursuant to Standardized Government Civilian Allowance Regulations prescribed by the Secretary of State.[29] The rate paid is the estimated amount of an officer's annual expenditures in United States currency or its equivalent in foreign currency for the rent of furnished or unfurnished living quarters (including taxes required by local law or custom to be paid by the tenant), heat, light, and fuel (including gas and electricity), or the maximum specified in the Standardized Government Civilian Allowance Regulations, whichever is less.

(5) Territorial cost of living allowances

Territorial cost of living allowances are paid to employees in Alaska, Hawaii, Puerto Rico, and the Virgin Islands.[30] The rate is specified as "25 percent of rate of basic compensation."

(6) Post allowance

Post allowances are paid to employees stationed in Cuba (other than native employees recruited locally), pursuant to Standardized Government Civilian Allowance Regulations prescribed by the Secretary of State.[31] The rates paid vary according to the classification of the officer's post, his salary, and family status.

(7) Official travel

Employees authorized and directed to travel away from their official stations are paid traveling expenses, including per diem and authorized incidental expenses, in accordance with the Standardized Government Travel Regulations approved by the President. Per diem within the continental United States is limited to a maximum of $9.[32] For travel on official business outside the continental limits of the United States, the per diem may not exceed the rates set forth in the regulations prescribed by the President.

(8) Transfers of employees

Expenses incurred by an employee in connection with transfers from one official station to another are paid by the Government.[33] Reimbursable items include traveling expenses of the employee, transportation of his immediate family, and transportation of household goods and personal effects within defined limits.

f. Recommendations

It is recommended that a revolving fund be set up in the Immigration and Naturalization Service for the payment of overtime to employees. If such a fund were available it would not be necessary for employees to wait until payment has been received from the transportation companies before they are paid.

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[29] See: 46 Stat. 818; 13 F. R. 6263; 62 Stat. 176.
[30] See: 13 F. R. 8721 and 13 F. R. 5453.
[31] See: 60 Stat. 1025, 13 F. R. 6263; 62 Stat. 176.
[32] Public Law 92, 81st Cong.; 5 U. S. Code Cong. Serv. '49, p.'859.
[33] 60 Stat. 806, 11 F. R. 13823.

4. PHYSICAL FACILITIES

a. Central office

The physical facilities of the Immigration and Naturalization Service consist of the central office, now located in Washington, D. C., various district offices, field offices, border-patrol headquarters, detention camps and detention stations; automotive equipment, aircraft, boats, and communication equipment; and horses.

In April 1948, the central office of the Immigration and Naturalization Service was returned to Washington from its temporary wartime location in Philadelphia. In Philadelphia, the office had 179,526 square feet, while in Washington there are only 158,396 square feet available, though a request has been made for 8,500 square feet more space for normal file expansion. The present building is a temporary wooden structure in very poor condition, and the lack of space requires the placing of some files in corridors.

The building which houses the central office is wood and wallboard construction that would prove very dangerous in the event of a fire. Most of the corridors are lined with filing cabinets, which are both a traffic hazard and dangerous for safekeeping, since anyone may enter the building during office hours. One solution to the problem would be the removal of files of the United States Department of Agriculture from the building, as this agency now uses four wings of the building for storage space. This space is sorely needed by the Immigration and Naturalization Service. The Service is now engaged in a study of microfilming some of its records in the interest of saving space.

b. Detention stations

The Immigration and Naturalization Service maintains detention facilities at: East Boston, Mass.; Ellis Island, N. Y.; Seattle, Wash.; San Francisco, Calif.; San Pedro, Calif.; El Centro, Calif.; Camp Elliott, Calif.; Honolulu, T. H.

In the Los Angeles district there are a detention station at San Pedro (Terminal Island) and detention camps at Camp Elliott and El Centro. It became necessary to establish the camps after a ruling by the Mexican Government authorities. The Service had expelled large numbers of Mexican aliens across the border at these points, but the Mexican Government would not accept any Mexicans at those points unless it could be affirmatively shown that they had resided in that local area for at least 6 months before coming to the United States. It became necessary, therefore, to detain them while warrants of deportation were being processed, so that they could be deported through El Paso or Nogales. A Service official stated that these camps are operated whether full or not. When conditions allow, illegal entrants are detained for deportation rather than granted voluntary departure, to help stem the tide of such illegal entrants.

The quarters for detention in San Francisco during the fiscal year 1948, were crowded. Although the public-health doctor advised that not more than 450 persons should be detained there, at one time during the fall of 1948, there were 552 persons in these quarters.

According to officials of the central office, there is no need at the present time for an expansion of the facilities at San Francisco. The number of detainees has decreased to such an extent that the present facilities are adequate to handle them. During July 1949, there were

only 332 detainees, an average of 89 per day. This is well below the capacity of the station.

The carrier pays $3 per day per person detention expense in San Francisco, which covers cost of feeding, salaries of cooks and kitchen help, and salaries of most guard personnel. Detention facilities are in the Appraisers Building, in which the district office of the Immigration and Naturalization Service is located. Detention quarters consist of a number of dormitories, a kitchen, dining room, laundry, hospital, and some indoor recreation space, as well as outdoor space on exercise roofs. The building was completed in 1945 and is quite modern. The kitchen is operated by the Government. No serious complaint has been received on feeding.

At present, average detention is 60 days. Most detainees are released within 20 to 30 days, but where exclusion is ordered and the applicant appeals, detention is extended to 4 to 6 months.

As a result of the numerous requests from the air lines for the establishment of a detention station at the Miami, Fla., airport, the Service made an extensive survey of the costs and other problems that would arise in connection with the opening of such a station. The Service had the land and prefabricated buildings available, but after a thorough investigation, it was determined not to establish the station. At present, it is estimated that the cost for each detainee per day to the air line is about $15. The air lines had hoped to reduce the cost for each detainee to $3 per day, which is the average per diem cost at other detention stations. The air lines also wanted the detainees furnished with accommodations similar to those received in a hotel. The cost of such accommodations, plus the cost of security personnel, would make the aggregate cost about the same as at present, so the air lines withdrew their request for the detention station. The buildings that were to be used for the detention station are now being used for offices.

Ellis Island has become a burden to the Service. Transportation from the New York district office at 70 Columbus Avenue to Ellis Island is difficult through the heavy New York traffic. Several years ago, it was proposed to move the detention station from Ellis Island to the district office headquarters, but while the move was being considered, the space in the district office headquarters which was to be used for detention was assigned to the Atomic Energy Commission.

The equipment on Ellis Island, most of which was installed in 1910, is inefficient and in need of replacement. All heat and power is produced on the island and the turbines could be replaced at a saving of about 25 percent in efficiency. The boilers were replaced last year and a saving of about $17,000 was effected in fuel consumption. Comparable savings could be made with other replacements. In order to transport detainees and personnel to and from Ellis Island, it is necessary to operate a ferry boat. The expense of operating the boat would be avoided by a transfer of the station to the mainland.

c. Field offices

The Immigration and Naturalization Service maintains nearly 300 district offices, suboffices, border patrol sector headquarters, and stations. The subcommittee has received information from the Service that a large number of the buildings which house these offices, suboffices, and stations are inadequate. Many of these buildings are described by officials of the Service as "shacks."

The situation at El Paso is extremely difficult due to the physical facilities there. There are two bridges from Mexico to the United States, one for admission and one for departure. The land at the terminal of the bridges is the subject of a dispute over ownership between the United States and Mexico. The facilities are leased from private citizens. The bridge over which persons enter the United States is too narrow to permit satisfactory inspection and there is no area to which automobiles might be directed for secondary inspection. A new road, now under construction, from Mexico City to Juarez will add to the traffic at this port, which already is so great that 1,700,000 persons passed the inspection point during July 1949.

The following information was received by the subcommittee from the Immigration and Naturalization Service on the office facilities of several typical field offices:

(*1*) *Sonoyta, Ariz.*

This is a small community in an isolated desert area. An improved highway has been constructed from the border to Rocky Point, Mexico. Commercial and sport fishing is being developed at Rocky Point. This has resulted in considerable increase of traffic, which requires additional immigration and customs officers at Sonoyta. The present office space is entirely too small and it is proposed to increase same by converting to office space a two-car garage which is built into the inspection station building and construct a separate two-car garage elsewhere on the property.

(*2*) *Andrade, Calif.*

The present border inspection station consists of a small narrow building owned by the Southern Pacific Railroad (rental $120 per annum). For several years this structure has been unsuitable for the inspection work necessary at this port. It is recommended that a new building be erected with living quarters for customs and immigration officers. There are no living quarters available within a radius of 15 miles from this place and it is necessary for the officers at this port to live in the present outworn border inspection building.

(*3*) *Columbus, N. Mex.*

The building now used as an office was transferred from the War Department several years ago. It is of frame construction, erected during the First World War, and is in constant need of repair.

(*4*) *Rouses Point, N. Y.*

It is recommended that a new building be constructed at Overton Corners, or an addition made to the present inspection station to provide suitable and adequate garage and automobile-shop facilities for the Rouses Point border patrol sector. This project has been recommended many times and is of high priority.

(*5*) *Presidio, Tex.*

While Presidio is located in what might be considered an isolated border area, there is nevertheless considerable traffic at this port. This Service has three immigrant inspectors stationed there and the Customs Service a like number of customs officers. The present quarters might be classed as shacks, and there is insufficient space available for the activities of the various Government agencies which must of necessity be located at the boundary. Detailed recommendations were made in 1945 covering the border station building required at Presidio, and conditions have not changed materially since that date.

d. Housing accommodations for personnel

Housing accommodations for personnel of the Immigration and Naturalization Service are badly needed in many places along the borders. Employees are often required to travel up to 50 miles to their work and the Service believes that better results could be obtained if the employees were nearby and subject to call at any time. Many ports of entry are at isolated places.

Information furnished by the Immigration and Naturalization Service shows that construction of about 100 dwelling units was recommended for the use of Service employees. The following information received by the subcommittee from the Immigration and Naturalization Service indicates the condition of living quarters in some areas:

(*1*) *Sasabe, Ariz.*

Sasabe is located in an isolated area on the Mexican border and very few homes have been constructed and these are of very poor construction. There is a need for three cottages for immigrant inspectors and also one or more cottages for customs inspectors. Additional land would be required. This project was previously recommended under date of May 25, 1945, at which time four cottages for the Service were recommended.

(*2*) *Eastport, Idaho.*

Additional living quarters are badly needed for Government personnel and it is recommended that six cottages be erected for immigrant inspectors and six cottages for customs inspectors. This project has been previously recommended. Present recommendations include additional living quarters and an enlargement of the border station building.

e. Mobile equipment

The number of passenger-carrying vehicles is limited by law to 935, and Immigration and Naturalization Service asserts that at least 300 more are desperately needed to fulfill the obligation of properly enforcing the immigration laws. It is estimated that 2 men and a car can do a better job that 10 to 15 men without cars. Aircraft is used for observation along the borders to watch for smuggling of aliens. Boats are used to watch for smuggling of aliens mostly around the southern ports of entry.[34]

f. Communication equipment

The Immigration and Naturalization Service has a radio transmitter in the central office, through which it can communicate with some field offices. These field offices can also communicate with various mobile units which are equipped with either two-way radio equipment or radio receiving equipment only. There are 248 mobile units with two-way equipment, 150 units with receiving equipment only, and 115 patrol cars with no radio equipment.[35]

g. Recommendations

1. The physical facilities of the central office should be improved. This could be accomplished by either the erection of a new building or by moving the central office to another building where there are adequate facilities. In the interim, it is recommended that the files of the Department of Agriculture be removed from the present building so that the space may be available to the Immigration and Naturalization Service.

2. The building program of the Service, particularly in regard to outlying ports where the field personnel is operating without adequate office quarters or housing, merits prompt consideration.

3. A survey should be made to ascertain the feasibility of moving the detention station at Ellis Island to the district immigration office in New York City.

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[34] Information received from the Immigration and Naturalization Service on the number and type of conveyances used is shown in appendix X, table 3, p. 862.

[35] The types of communications equipment are given in appendix X, table 4, p. 862.

4. Additional radio-equipped motor vehicles for enforcement work of the Service should be provided and additional radio equipment for patrol cars that are presently without such equipment should be provided.

5. WORK LOAD AND MANPOWER

a. The Central Office

The central office of the Immigration and Naturalization Service in Washington does not have a backlog of work in most sections; its work is such that it can be kept reasonably current. The central office brings personnel in from the field when necessary. In most sections of the central office, the work on hand could be completed in 1 or 2 weeks if no new work were received. Such a condition is considered normal.

(1) Administrative Division

(a) Budget and Fiscal Control Section

During the fiscal year 1949, this section, with 60 employees, examined 47,908 vouchers, made 28,692 fiscal authorizations, posted and classified 304,452 obligations, and reported on the revenue which was paid into the Treasury. This section requires many man-days in preparing and presenting the budget of the Service to the Bureau of the Budget, and its work must be kept current.

(b) Services and Supplies Section

During the fiscal year 1949 this section, with 69 employees, received 23,972 messages and sent 23,349, made 2,256 contracts and leases, issued 10,456 requisitions, and duplicated 9,982,190 sheets. No backlog was pending on June 30, 1949.

(c) Personnel Section

During the fiscal year 1949 this section, with 28 employees, analyzed approximately 2,000 questionnaires, processed 11,705 personnel actions, interviewed 1,280 applicants, processed 4,555 efficiency ratings and had 14,498 dispensary treatments and referrals. On June 30, 1949, it had pending 100 questionnaires to be analyzed and 131 personnel actions to be processed.

(d) Information, Mail, and Files Section [36]

During the fiscal year 1949 this section, with 295 employees, had 86,960 oral inquiries and 112,157 inquiries by letter, examined 427,827 files, consolidated 248,476 cases, received 2,059,868 pieces of incoming mail, sent 1,204,588 pieces of mail, prepared 394,533 new files, processed 2,661,550 files, made 1,078,305 index searches, made 112,000 microphotographs and 26,110 photographs and photostats. Pending on June 30, 1949, were 2,487 letter inquiries, 392 cases to be consolidated, 298 new files to be prepared, and 25,996 index searches to be made.

(2) Adjudications Division

(a) Status Section

During the fiscal year 1949, this Section, with 93 employees, processed 164,001 applications for certificates of arrival, verification of arrival, naturalization papers, and information from records;

[36] Information functions transferred to Research, Education and Information Division on November 7, 1949.

recorded a change of status in 5,161 cases; made 4,211 registry decisions; considered 6,384 extensions of stay; considered 2,115 contract labor matters; reviewed 2,016 petitions for naturalization with recommendation for denial; and issued 17,810 certificates of citizenship, changed name, special and repatriation matters. Pending on June 30, 1949, were 1,653 applications for certificates of arrival, verification of arrival, naturalization papers, and information from records; 72 change of status matters; 8 registry decisions; 55 extensions of stay; 10 contract labor matters; 126 petitions for naturalization recommended for denial; and 660 certificates of citizenship, changed name, special and repatriation matters. The work of this section is reasonably current.

(*b*) *Travel Control Section*

During the fiscal year 1949, this Section, with 51 employees, considered 34,966 visa petitions, considered 3,367 preexamination matters, reviewed 52,036 applications for reentry permits, and acted on 9,494 applications for extension of reentry permits. Pending on June 30, 1949, were 1,028 visa petitions, 69 preexamination cases, 602 applications for reentry permits, and 528 applications for extensions of reentry permits.

(*c*) *Hearing Review Section*

During the fiscal year 1949, this Section, with 53 employees, reviewed 13,062 warrant hearings; 3,479 board of special inquiry hearings on appeal; 4,837 applications to reapply after exclusions, expulsions, or removal; 2,180 fine cases against transportation companies; 1,454 applications for exercise of the seventh and ninth proviso discretion; and 3,336 motions to reopen, stays of deportation, extension of time to depart, and miscellaneous actions. On June 30, 1949, 1,857 warrant hearings were pending. With more than 13,000 hearings completed during the year it would appear that the number on hand is reasonably current. There were also pending on June 30, 1949, 51 board of special inquiry hearings; 400 applications to reapply after exclusion, expulsion, or removal; 304 fine cases against transportation companies; 15 applications for exercise of seventh and ninth proviso discretion; and 45 motions to reopen, stays of deportation, extensions of time to depart, and miscellaneous actions. The work load of the Section will be increased due to the enlargement of classes eligible for suspension of deportation under the general immigration law [37] and due to the classes eligible for suspension of deportation as displaced persons under the Displaced Persons Act of 1948.[38]

(*3*) *Enforcement Division*

The Enforcement Division is responsible for the enforcement work of the Service. During the fiscal year 1949, with 81 employees in the central office, it directed 1,698 field investigations, reviewed 1,071 field investigations, handled 87 special investigations; it analyzed for information on violations of immigration and nationality laws, 1,476 reports from the field service and other sources; authorized issuance of 80 warrants of arrest in subversive cases; reviewed 4,766 applications for warrants of arrest, parolees, and determinations as to custody; issued 336 deportation clearances; processed 760 applications for importation of alien laborers; handled 1,135 waivers of documents and

[37] Public Law 863, 80th Cong.; 62 Stat. 1206.
[38] Public Law No. 774, 80th Cong.; 62 Stat. 1009.

emergent actions on admission of aliens; and handled 1,660 suspension of deportation cases. Pending on June 30, 1949, were 200 field investigations to be directed, 100 reviews of field investigations, 90 special investigations, 75 miscellaneous reports from the field service, 6 warrants of arrest to be considered in subversive cases, and 47 reviews of applications for warrants of arrest. The central office work of this Division is reasonably current.

(4) Research and Education Division [39]

During the fiscal year 1949, the Assistant Commissioner's office, with 6 employees, held 24 conferences in various institutions; prepared 12 articles, releases, and addresses; prepared and distributed 25,743 leaflets and proclamations; distributed 145,528 citizenship textbooks and handbooks; transmitted 148,204 copies of other immigration documents to public schools; and sent 124,832 invitational letters to attend public-school classes to immigrants. Only three articles, releases, and addresses remained to be prepared on June 30, 1949.

(a) Statistics Section

During the fiscal year 1949, this Section, with 37 employees, completed 147 statistical analyses, studies, and articles; coded 1,160,035 documents; and punched and tabulated 2,085,000 cards. On June 30, 1949, there were pending 3 statistical analyses, studies and articles, 55,493 documents to be coded, and approximately 200,000 cards to be punched and tabulated.

(b) General Research Section

During the fiscal year 1949 this Section, with 7 employees, completed 8 major research reports, 311 miscellaneous reports and research memoranda, and answered 124 reference and research inquiries. There were pending on June 30, 1949, 3 major research reports, approximately 100 miscellaneous reports and research memoranda, and approximately 150 reference and research inquiries to be answered (these research matters were in the process of being completed).

(c) Digest and Manual Section

During the fiscal year 1949 this Section, with 8 employees, issued 2,275 manuscript replacement pages for nationality and immigration manuals; examined or abstracted 41,252 opinions, decisions, or rulings for nationality and immigration manuals; and digested and added 2,169 cases to the index-digest. On June 30, 1949, there were pending approximately 2,200 manuscript replacements; 1,930 opinions, decisions, or rulings to be examined and abstracted; and approximately 5,000 cases to be digested. The very nature of the work of this Section would indicate that it is never current.

(5) General counsel

During the fiscal year 1949 the general counsel's office, with 15 employees, completed 265 opinions and items of legal correspondence; handled 2,598 cases, including criminal cases, revocation of naturalization, pardons, and writs of habeas corpus; made 1,678 legislative reports on bills, proposals, and miscellaneous matters examined; handled 4,057 bonds and appurtenant documents; and prepared or drafted 199 regulations or instructions. On June 30, 1949, there

[39] Changed to Research, Education and Information Division, November 7, 1949.

were pending 16 opinions or items of legal correspondence, 147 cases, 39 legislative reports, 44 bond and appurtenant documents, and 5 regulations or instructions.

b. Field

(1) Inspection force and work load

Comparative statistics on the work load of immigrant inspectors do not take into account the work involved in examination of persons seeking admission at ports of entry. The work load of inspectors is statistically limited to (*a*) the number of citizens and aliens admitted from overseas points, as distinguished from citizens and aliens admitted via land boundaries; (*b*) number of vessels and aircraft boarded; (*c*) alien crewmen inspected; (*d*) the stowaways discovered; (*e*) the preexamination hearings conducted; (*f*) the number of aliens registered; (*g*) the reentry permits issued and extended; and (*h*) the number of boards of special inquiry hearings conducted (this actually constitutes the backlog of inspection activity, the other inspection activities are of such a nature that there can be no backlogs or arrearages).

The number of aircraft arriving in the United States from foreign places is progressively increasing. During the fiscal year 1946, immigrant inspectors boarded 54,903 aircraft; during 1947, 74,681; during 1948, 85,122; and during fiscal year 1949, a new high of 93,723. These statistics do not take into account the increased capacities of the latest types of aircraft.

The number of vessels boarded during this same period shows some fluctuation. During the fiscal year 1946, immigration inspectors boarded 68,445 vessels; during 1947, 69,760; during 1948, 63,494; and during fiscal year 1949, 62,022. The number of alien seamen examined has, however, progressively advanced for each year of this period. During fiscal 1946, the number of alien seamen examined was 676,038; during 1947, 783,571; during 1948, 922,349; and, during year 1949, it reached a new high of 960,099. This might indicate that the ships currently arriving have a greater capacity.

The number of aliens admitted has also increased each year. During the fiscal year 1946, the number admitted was 312,190; during 1947, 513,597; during 1948, 646,576; and during 1949, there was a new high of 735,000 aliens admitted.

The number of citizen arrivals has also increased: 274,543 in the fiscal year 1946; 437,690 in 1947; 542,932 in year 1948; and 607,000 in fiscal year 1949.

The entries effected at land border ports constitute the heaviest entry traffic. Since the end of the war, it has become heavier each year. During the fiscal year 1946, 74,240,190 border crossers entered the United States (37,085,718 aliens and 37,154,472 citizens); during 1947, 77,350,266 border crossers entered (38,921,170 aliens and 38,429,096 citizens); during 1948, there were 81,323,823 (40,305,105 aliens and 41,018,718 citizens); a high of 85,400,278 entries was reached during the fiscal year 1949 (40,077,743 aliens and 45,322,535 citizens).[40]

The number of immigrant inspectors available during this period has remained constant. During fiscal years 1946 and 1947, there were 1,057; during 1948, they were increased to 1,096; but in 1949,

[40] See appendix X, tables 5A and 5B, pp. 862, 863.

the number dropped to 1,018. During the period from 1946 to 1949, the regular force of immigrant inspectors has had to be supplemented by border patrolmen temporarily assigned to duty as inspectors. Such assignment of border patrolmen has often interfered with strategic operations of the border patrol. The Immigration and Naturalization Service reported that serious shortages of immigrant inspectors existed in 1946, 1947, and 1948, and estimated that this force should be increased to 1,094 during the fiscal years 1950 to 1951.

It is evident that the force of immigrant inspectors should be increased to balance the increases in arrivals. To permit a shortage of immigrant inspectors to continue, could conceivably result in admissions without proper screening at the ports of entry. Immigration and naturalization officials state that it costs less money and enforcement effort to keep inadmissible aliens out of the United States than it does to deport them after they have reached interior points of high alien concentration. The expulsion of an alien with an illegal immigration status from an interior point in the United States involves lengthy investigation procedures, as well as considerable detention and transportation expenses.

The inspection work load at class B ports of entry and certain other land border ports is absorbed to some extent by customs inspectors who assist in the work. There is no information on the extent to which the inspection work load is thus absorbed.

The clerical force concerned with admission activities has also been hard pressed due to the increased admissions. The clerical work embraces preparation of cards and records on all temporary visitors and transient arrivals for the purpose of following persons who overstay their legal periods of admission. This clerical work also involves a check of out-bound manifests against such cards and records, as well as follow-up letters to the aliens or to other districts and ports in connection with the follow-up program, as well as such matters as applications for extension of temporary stay, border-crossing cards, reentry permits, head tax, fines, and activities concerned with boards of special inquiry. The stenographic situation in boards of special inquiry has been particularly difficult. The secretary-member of the board of special inquiry must have at least 1 day a week free from recording hearings in order to maintain current transcription records. During the fiscal year 1948, the clerical force numbered 145, and during 1949, 210. It was estimated that the force should be increased to 231 during the fiscal years 1950 and 1951.

Certain immigration inspectors were engaged in activities as chairmen of boards of special inquiry prior to 1947, but it was not until 1947 that they were classified as chairmen and segregated as such on the lists of authorized personnel. During the fiscal year 1947, chairmen numbered 13, during fiscal year 1948, 21, and during fiscal year 1949, 30. The Immigration and Naturalization Service estimates that 30 such chairmen will be adequate for the estimated work load of the fiscal years 1950 and 1951, and that the number of hearings by boards of special inquiry during fiscal year 1950 will be substantially the same as during fiscal year 1949.

(2) Detention and deportation force and work load

The detention and deportation work load is shown by statistics on aliens deported, warrants of arrest, warrant hearings, aliens in deten-

tion, and aliens on parole. The force involved consists of deportation examiners, security officers, clerks, and custodial and marine force, supervisory personnel, and personnel designated as miscellaneous officers (including attorneys and parole officers).

It is only since 1947 that employees assigned duties as deportation examiners have been so classified and segregated on personnel lists. During the fiscal year 1947, there were 189 deportation examiners who held 25,648 warrant hearings; the number of deportations totaled 18,663. During 1948, there were 173 deportation examiners who held 31,540 warrant hearings; the number of deportations totaled 20,371. During 1949, there were 187 deportation examiners who held 30,049 warrant hearings; the number of deportations was 20,040. During the fiscal year 1949, both the number of deportations and the number of warrant hearings were slightly fewer than for 1948. The Immigration and Naturalization Service estimates that the number of deportations and the number of warrant hearings during the fiscal year 1950 will be approximately the same as during 1949 and the present force of 187 deportation examiners will be sufficient for the fiscal years 1950 and 1951.[40a]

Security officers are responsible for conducting certain deportable aliens to points of deportation on our land borders. The Immigration and Naturalization Service estimates that the present force of such officers should be increased to 311 during the fiscal years 1950 and 1951, an increase of 9 over the preceding fiscal year.

Voluntary departure cases comprise a large bulk of security officers' work load. These voluntary departures, listed as "deportable aliens required to depart," have increased each year since 1943. During the fiscal year 1943, there were 11,947; during 1944, 32,270; during 1945, 69,490; during 1946, 101,945; during 1947, 195,880; during 1948, 197,184; and during 1949, a new high of 276,297.[41]

(3) Investigation force and work load

During recent years, one of the most disturbing problems of the Immigration and Naturalization Service has been its tremendous backlog of cases requiring investigation. The Service was able to reduce this tremendous backlog to a normal backlog of some 40,089 cases during the fiscal year 1949. Statistics for years prior to 1947 are considered unreliable, because of an inadequate system of reporting investigative work.

Investigations completed during the fiscal year 1947 cover only 6 months during which a revised reporting system was in operation. In 1947, there were only 96,187 investigations completed. The backlog as of July 1, 1947, was 164,594. Investigations completed during the fiscal year 1948, totaled 240,630 cases, and there was a backlog of 160,458 on July 1, 1948. During 1949, investigations completed totaled 321,454 and the backlog was reduced to 40,089.

During the fiscal year 1949, investigation was completed in 179,180 cases involving warrants of arrest on charges other than subversive charges, 101,791 were new cases and 77,389 cases carried over from the preceding year. Investigation was completed in 49,008 cases involving visitors, transits, students, and treaty merchants, 32,789 new cases and 16,219 carried over from the preceding year. Investi-

[40a] See appendix X, table 6, p. 864.
[41] See appendix X, table 6, p. 864.

gation was completed in 13,727 cases involving suspension of deportation but 17,106 cases were received. Investigation was completed in 2,461 cases involving adjustment of status under the Displaced Persons Act of 1948, and 3,850 cases were received.

During the fiscal year 1949, the backlog of cases, involving investigation of miscellaneous matters, carried over from the preceding fiscal year was reduced by 1,251. During the fiscal year 1949, investigation was completed in only a little more than half of the cases received involving warrants of arrest on subversive charges.

The force of investigators during the fiscal year 1947 was 388; during 1948, 401; and during 1949, 457. The Immigration and Naturalization Service estimated that the force of investigators during the fiscal year 1950 will be 457.[42]

(4) Naturalization force and work load

Included in the naturalization force are status examiners, naturalization examiners and clerical assistants. Status examiners are concerned primarily with applications for derivative citizenship certificates and applications for registry of record of arrival.

The work load of cases involving applications for derivative citizenship fluctuated between a high of 21,573 cases and a low of 16,643 cases during the period fiscal year 1946 to fiscal year 1949. It is estimated that the volume of cases during year 1950 will be 17,000. Cases involving applications for registry of record of arrival decreased from 7,185 during fiscal year 1946 to 4,294 during 1949. The force of status examiners dropped from 46 during the fiscal year 1947, to 38 during 1948, and 33 during 1949. The 33 examiners should be sufficient to handle the present estimated work load.

The force of naturalization examiners has been steadily reduced from 251 during fiscal year 1946 to 188 in 1947, 164 during 1948, 144 during 1949. The estimated force of such examiners during the fiscal years 1950 and 1951 is the same as for the fiscal year 1949. In view of the anticipated work-load increase, there should be no further reduction in this force.[43]

c. Border patrol

During the three fiscal years from 1938 to 1940 the border patrol averaged 741 men. The patrol was increased to 1,531 during the fiscal year 1941, to 1,592 in 1942, and to 1,594 in 1943. During subsequent fiscal years the patrol was drastically cut: 1,324 men in 1944, 1,251 in 1945, 1,352 in 1946, 1,319 in 1947, 1,160 in 1948 and 1,126 in 1949. It is estimated that the number of border patrolmen during the fiscal years 1950 and 1951 will be the same.

Before World War II, the border patrol had averaged approximately 15,000 apprehensions of illegal entrants annually over a period of several years. Since 1943, apprehensions have increased at a tremendous rate, with a new high of 289,400 for the fiscal year 1949. Most of these apprehensions involve Mexican nationals who illegally enter the United States seeking agricultural employment.

Alien smuggling activities have manifested an upward trend during the last several years. The statistics on the apprehensions by the border patrol of smugglers for each of the fiscal years from 1943 to

[42] See appendix X, table 7, p. 864.
[43] See appendix X, table 8, p. 865.

1949 are as follows: 63 during fiscal year 1943, 116 in 1944, 136 in 1945, 220 in 1946, 277 in 1947, 412 in 1948, and 635 in 1949.[44]

C. Board of Immigration Appeals

1. HISTORY

In 1913,[45] when the Immigration and Naturalization Service was transferred to the Department of Labor, the Secretary of Labor was assisted in the performance of his quasi-judicial function under the immigration and naturalization laws by an advisory committee. Decisions consisted of memoranda prepared by subordinates of the Bureau of Immigration, which were signed by the Commissioner General of Immigration and then passed on to the Secretary.

The advisory committee was replaced in 1921 by a three-man Board of Review, with the job of considering initially all immigration cases and making recommendations to the Secretary. The board was eventually increased to 12 members and, in 1930, back to three, but with examiner attorneys assigned to review records and prepare draft decisions. Decisions were still passed on to the Secretary after approval by the Board.

In 1933, the two bureaus were combined into one Immigration and Naturalization Service[46] and the Board of Review thereafter referrred its cases to a Deputy Commissioner for his decision, who then forwarded it to the Secretary.

On August 20, 1940, after the Service was transferred to the Department of Justice, the Board of Immigration Appeals was established as part of the Attorney General's office and the old board of review was discontinued.[47]

2. JURISDICTION

When the Commissioner of Immigration and Naturalization issues orders under the immigration and naturalization laws, such orders are final, except that appeals lie to the Board of Immigration Appeals where the orders, whatever their nature (excluding mitigation of fines or penalties), arise in: (1) Exclusion or preexamination proceedings; (2) deportation proceedings, except an order of the Commissioner on a motion for a stay of deportation; (3) proceedings involving administrative fines and penalties; (4) applications for admission under certain provisions of the law which provide for discretionary actions; (5) petitions filed for nonquota or preference quota status; (6) proceedings for revocation of nonquota or preference quota status previously granted.

The Board of Immigration Appeals refers a case to the Attorney General for review of its decisions when: (1) The Attorney General requests a referral; or (2) the Chairman or a majority of the Board determines that a referral should be made, or (3) the Commissioner requests that a case be referred to the Attorney General and the Board agrees to such request.

[44] See Appendix X, table 9, p. 865.
[45] 37 Stat. 736.
[46] Executive Order 6166 (effective Mar. 2, 1934).
[47] 8 CFR 90.

3. ORGANIZATION

The Board of Immigration Appeals as presently constituted has a chairman and four other members. To assist the Board in its work, the Attorney General has assigned a number of attorneys and other employees of the Department of Justice. The Board has authority, with the approval of the Attorney General, to promulgate rules of practice governing the proceedings before it, including rules as to the admission and recommendations of attorneys practicing before it and to disbar any attorney or other person from appearing in a representative capacity before the Board or before any officers of the Immigration and Naturalization Service.[48]

The Board convenes to hear oral arguments at its offices in Washington, D. C., at 2 p. m. on every day except Saturday, Sunday, and legal holidays. Three members constitute a quorum.

4. PERSONNEL

The Board of Immigration Appeals has an executive assistant who is an attorney. Each of the five Board members has an attorney adviser to assist in the preparation of administrative decisions. Other employees include a hearing reporter, a supervisor and docket clerk, a secretary to the Board chairman, six clerk-stenographers, one docket clerk, and one legal examiner.

a. Pay and expenses

The Chairman of the Board of Immigration Appeals has a civil-service classification of GS–14 and an annual salary of $9,800; the members have civil-service classification GS–13 and a salary range from $7,800 to $8,600. The executive assistant has GS–12 classification; attorney advisers, GS–11 and GS–9; hearing reporter and supervisor and docket clerk, GS–6; secretary to the Chairman, GS–5; and clerk-stenographers, the docket clerk, and legal examiner are classified GS–4. Travel expenses of Board personnel for the fiscal year 1949 amounted to less than $200.

b. Work load

The jurisdiction of the Board of Immigration Appeals was modified in July 1947. Originally cases were automatically referred to the Board where the Commissioner took unfavorable action and a large group of cases was going to the Board when the alien involved had not disputed the findings. Under present regulations, only appeals come before the Board.

The Board disposed of a total of 2,248 cases during the fiscal year 1948. From July 1, 1948, until about January 20, 1949, however, the Board disposed of 2,510 cases. The reason for this large increase is twofold: (1) The Immigration and Naturalization Service moved from Philadelphia to Washington, involving a loss of personnel and a consequent delay in consideration of cases before the Service, and (2) the number of new proceedings instituted increased. The Chairman estimated that 5,000 cases would be the normal annual load of the Board.

[48] 8 CFR 90.2.

A summary of the work load of the board during recent fiscal years is as follows: [49]

	1943	1944	1945	1946	1947	1948	1949
Pending beginning of year	6,211	2,798	6,345	921	435	425	257
Filed	14,451	21,035	21,773	10,817	11,636	3,912	4,833
Disposed	17,864	17,488	22,076	11,303	11,646	4,080	4,595
Pending end of year	2,798	6,345	6,042	435	425	257	495

D. Visa Division

1. HISTORY OF THE VISA DIVISION

Use of the visa to restrict immigration was first applied only to Chinese in the Chinese Exclusion Act of 1882.[50] The general practice of requiring all aliens, with certain exceptions, to obtain visas from consuls abroad began as a wartime measure. Instructions of the Department of State, dated April 17, 1917, and a joint order of the Department of State and Department of Labor, dated July 26, 1917, required consular and diplomatic officers to refuse visas to enemy aliens and to warn all aliens applying for visas that they might be excluded. This joint order required that aliens proceeding to the United States in time of war should have passports issued by the government to which they owed allegiance and should have those passports inspected, stamped, and visaed by American consular officers abroad.

This was the first general requirement of visas for travel to the United States. The basis for refusing a visa was public safety. If the consul found that the admission of an alien was contrary to the public safety, he refused a visa. In order to validate the joint order, the act of May 22, 1918 [51] was passed.

The additional work necessitated by the issuance of consular visas brought about establishment of a special Visa Section in the Bureau of Citizenship of the Department of State. On August 13, 1918, this section was set up as the Visa Office in the Division of Passport Control. Beginning December 1, 1919, the Visa Office was operated as a separate unit. A departmental order, dated January 1, 1931, changed the title of the Visa Office to the Visa Division.

Prior to the Immigration Act of May 26, 1924, only passport visas were granted. As a result of this immigration act restricting the flow of immigrants to the United States, the requirement of the immigration visas for aliens coming from foreign lands was established in order to control the flow of aliens at the source. Thereafter, the Visa Division of the State Department dealt with both the passport-visa problems and problems involving immigration visas.

[49] U. S. House of Representatives, Committee on Appropriations, hearings, Department of Justice Appropriations for 1951 (1950), p. 39. For a more detailed break-down of the work load of the Board of Immigration Appeals for the years 1943 to 1948, see appendix X, table 10, p. 866.
[50] 22 Stat. 58.
[51] 40 Stat. 559.

2. ORGANIZATION OF THE VISA DIVISION

The Visa Division of the Department of State acts for the Secretary of State in connection with the general supervision of the work of the American Foreign Service pertaining to the issuance of passport and immigration visas to aliens for travel to the United States. The Visa Division is an independent unit of the Department under the Office of Consular Affairs in the State Department organization. In practice the Office of Consular Affairs does not participate, except nominally, in the activities of the Visa Division. The Office of Consular Affairs and the Visa Division are under a Deputy Under Secretary of State.

a. Chief and Assistant Chiefs of the Visa Division

The Chief of the Visa Division is the officer in charge of all activities. His office develops, coordinates, and directs the policies and programs for the administration of immigration and other laws governing the entry and departure of aliens, insofar as the State Department and its officers abroad are concerned with control of the travel of aliens to and from the United States. He represents the Department before the Congress and governmental and private agencies with respect to the broadest aspects of policy in immigration matters and in connection with the most important cases.

It has long been the practice for the Deputy Under Secretary of State to assign a Foreign Service officer from the field as Chief of the Visa Division. The present Chief has served in a number of consular posts in Canada, Europe, and South America.

There are two Assistant Chiefs connected with the Office of the Chief of Division. They assist and advise the Chief. One of them acts for the Chief in his absence.

(1) Technical Branch

The Technical Branch of the Visa Division is the top unit under the Office of the Chief of the Division. One of the Assistant Chiefs is in charge of the work of the Branch, assisted by an Assistant Chief of Branch. There are three units of the Visa Division under supervision of the Branch, the Technical Liaison and Drafting Section, Public Safety and Security Section, and Diplomatic Visa Section.

The Technical Branch handles the highly technical and legal problems arising in connection with the issuance or refusal of visas and exit permits. Officers of this Branch represent the Division with respect to technical and legal matters before congressional, intergovernmental, and interdepartmental committees.

The regulations promulgated by the Secretary of State pursuant to the immigration laws and departmental policies are drafted by the Technical Branch. The Branch arranges the printing, promulgation, and distribution of the regulations. A precedent file of all controlling opinions and rulings is maintained in the Branch for ready reference by the Department.

(a) Technical Liaison and Drafting Section

The greater part of the work of the Section consists of the preparation of advisory opinions on the technical and legal aspects of the immigration laws and regulations arising from cases before consular officers in Foreign Service throughout the world. In addition, the Section maintains liaison with the Immigration and Naturalization

Service and other Government agencies and passes upon applications filed by aliens for exit permits in limited cases.

(b) Public Safety and Security Section

This Section is concerned with cases involving questions of public safety and security. It passes upon cases referred by consular officers where the admissibility of Communists, Fascists, Nazis, and similar classes of aliens must be determined prior to issuance of visas. The Section initiates security checks through the appropriate security organizations. It also advises consular officers with respect to licensing transportation companies pursuant to the Trading With the Enemy Act.[62]

(c) Diplomatic Visa Section

This Section grants diplomatic visas locally and authorizes issuance of diplomatic visas in foreign posts and advises Foreign Service offices upon points arising in connection with such visas. It maintains advisory liaison with American delegations and secretaries of official international organizations, conducts negotiations with diplomatic missions on proposed agreements involving visa arrangements and procedures, and maintains technical liaison with the Joint Chiefs of Staff on national security cases.

(2) Public Inquiries Branch

Within this Branch are the following sections:

(a) Field Coordination Section

This Section maintains efficiency ratings and makes reports on the efficiency of field officers in handling inquiries concerning visa issuance. It assists the Division of Foreign Service Personnel in the selection, assignment, and transfer of visa officers. Visa quota numbers to field offices are allotted by this Section, which maintains records of the registered demands against the various quotas throughout the world.

(b) Public Correspondence and Interviews Section

This Section prepares correspondence in reply to oral and written inquiries regarding procedures for obtaining visas and the status of visa cases and interviews callers and renders assistance to them in visa problems.

(3) Administrative Branch

This Branch studies and analyzes the organization and operations of the activities of the Visa Division and devises, installs, and maintains procedures for the Division. It compiles statistics on visa activities for Division use and for publication and is responsible for the administration of personnel, budgetary, and general services in the Division.

E. The Consular Officers

I. AUTHORITY

The two principal immigration statutes, the Immigration Act of 1917, as amended, and the Immigration Act of 1924, as amended, and other immigration statutes, insofar as they relate to the issuance of visas and permits to aliens to enter the United States, are admin-

[62] 40 Stat. 411.

istered by consular officers in the Foreign Service, except that the issuance of visas to members of the diplomatic corps and certain officials of other nations is primarily the work of diplomatic officers of the United States.

A "consular officer" is defined in the regulations of the State Department, pursuant to the Immigration Act of 1924, as an officer of the Foreign Service of the United States acting in a consular capacity (except a consular agent). The definition of a consular officer also includes the executive secretary of the Panama Canal, the Governor of Guam, and the Governor of American Samoa.[53]

Consular officers are authorized to issue (1) immigration visas to alien immigrants seeking to enter the United States for permanent residence, (2) passport visas to all classes of nonimmigrants seeking to enter for temporary stays for business or pleasure, (3) transit visas to aliens passing through the United States en route to outside destinations, (4) limited entry certificates to aliens to enter for 10 days or less for specific purposes, and (5) border-crossing cards to aliens to pass back and forth across the border of Mexico and Canada for 29 days or less.[54]

Diplomatic visas may be issued by consular officers only when authorized by the State Department or by the missions to which the consular officers are attached. There are 15 classes of aliens eligible for regular diplomatic visas and 5 classes for limited visas.[55]

A consular officer may not issue an immigration visa if the alien applicant fails to qualify for admission into the United States under the immigration laws or, in the opinion of the consul, is otherwise inadmissible to the United States for other reasons.[56]

A consular officer may not issue a passport visa if the alien fails to establish nonimmigrant status, if the consul knows or has reason to believe that the alien intends to engage in activities in the United States which would endanger the public safety, if the entry of the alien is forbidden by the wartime act of October 16, 1918, as amended, or if the alien has been deported or removed from the United States and has not subsequently acquired permission to apply for reentry.

In addition to diplomatic and consular officers, the Chief and Assistant Chiefs of the Visa Division are authorized to grant in their discretion, nonimmigrant passport visas to foreign government officials, their families, attendants, servants, and employees who are in the United States and who desire to reenter the United States after temporary absence.[57]

The Chief and Assistant Chiefs of the Visa Division are authorized to issue diplomatic visas to diplomats or career consular officers of foreign governments who desire to reenter the United States after temporary absence.

2. NUMBER AND LOCATION

Most of the administrative work connected with the issuance of visas is centered in 203 consular offices located throughout the world.[58] There are 113 consular officers, 117 American clerks, and 250 alien

[53] 22 CFR, pt. 61.101.
[54] 22 CFR, pt. 61.101-61.379.
[55] 22 CFR, 60.1 to 60.14.
[56] 43 Stat. 153; 55 Stat. 252.
[57] 22 CFR 61. 110.
[58] A list of consular offices where visas are being issued appears in appendix X, tables 11A and 11B, pp. 866, 867.

clerks doing full-time visa work. There are 403 consular officers, 164 American clerks, and 567 alien clerks doing visa work on a part-time basis. The time spent by consular officers doing visa work on a part-time basis averages from 1 to 4 hours per day.

F. United States Public Health Service

1. AUTHORITY AND HISTORICAL BACKGROUND

Doctors of the agency which later became the Public Health Service have been the medical advisers for the immigration and naturalization agencies since 1891.[59] Prior to 1925 all examinations were made in the United States, but in 1925 a plan was inaugurated which provided for the examination of aliens in their countries of origin. With the exception of the period during the Second World War, the Public Health Service has had doctors in several foreign countries, especially in Europe almost continuously since 1925. Authority for the examination of aliens by the Public Health Service is in the Immigration Act of 1917,[60] as amended:

> The physical and mental examination of all arriving aliens shall be made by medical officers of the United States Public Health Service * * * who shall conduct all medical examinations and shall certify, for the information of the immigration officers and the boards of special inquiry * * *, any and all physical defects or diseases observed by said medical officers in any such alien * * *

The duties of the Public Health Service in the examination of aliens were further amplified in the act of July 1, 1944,[61] consolidating and revising the laws of the Public Health Service, as follows:

> The Surgeon General shall provide for making, at places within the United States or in other countries, such physical and mental examinations of aliens as are required by the immigration laws, subject to administrative regulations prescribed by the Attorney General and medical regulations prescribed by the Surgeon General with the approval of the Administrator.

The Public Health Service is not under the direction of the Immigration and Naturalization Service, but is a unit within the Federal Security Agency.[62]

2. ORGANIZATION

The Public Health Service has doctors stationed in a number of foreign countries overseas who work along with the consular service in an independent capacity examining aliens who apply for immigration visas.

These doctors are stationed largely in the European area. One is located in Shanghai, four in Habana, Cuba, and two in Mexico City, and a number in Canada (six in Montreal, four in Toronto, three in Vancouver, three in Victoria, three in Windsor, two in Quebec, two in St. John, New Brunswick, and two in Winnipeg, two in Halifax, Nova Scotia, and one in Yarmouth, Nova Scotia).

In the European area, Paris is the central office. It is attached to the American Embassy, has three medical officers, an administrative officer, a medical X-ray technician, a nurse, and a woman who serves as a clerk-stenographer-inspectress. In addition, one medical officer,

[59] 26 Stat. 1084, 1085.
[60] 39 Stat. 875, 885.
[61] 58 Stat. 682, 697.
[62] 58 Stat. 682, 683.

one administrative officer, one nurse, and one clerk-stenographer-inspectress are attached to it for the purpose of examining aliens under the displaced-persons program. One of the three medical officers doing general visa work is in charge of all of the medical personnel attached to the Embassy. Only medical personnel doing general visa work is paid from the appropriation for the Public Health Service, while personnel examining aliens under the displaced-persons program is paid by the appropriation set up for the displaced-persons program.

The London staff of the Public Health Service has three medical officers, a clerk-typist, a clerk-stenographer-inspectress, two inspectresses, and a photofluorographic operator. There is no one doing displaced persons work.

The only city in Italy having Public Health Service personnel attached to a consulate and doing visa examination work is Naples, with one medical officer, one clerk-stenographer-inspectress, and one inspectress. There is also one medical officer for displaced persons work.

In the Netherlands, there is also just one office having medical personnel doing visa examination work, the American consulate at Rotterdam, with one medical officer and one inspectress. There is no person doing displaced persons work.

There is no Public Health Service personnel doing visa examination work in Austria, but there is one doctor in Salzburg who does only displaced persons work, assisted by two foreign doctors and two clerk-stenographer-inspectresses.

The largest number of Public Health personnel in any one foreign country is in Germany, engaged in the displaced persons program.

In addition, the Public Health Service has personnel serving in this country and in our insular possessions to examine aliens for the Immigration and Naturalization Service. According to the acting head of the Public Health Service[64]—

> There are some 219 ports in the United States and its insular possessions where the medical examination of arriving aliens may be performed for the Immigration and Naturalization Service of the Department of Justice. In addition to the medical screening of aliens, the Division of Foreign Quarantine is responsible for the enforcement of quarantine laws for the prevention of the introduction into the United States of quarantinable diseases. The personnel of the Division, therefore, perform a dual function at United States ports of entry. It would be impossible under the circumstances to determine the proportionate share of time spent in the immigration examination functions as compared with the time spent on quarantine functions as the two examinations are conducted in many instances simultaneously, the one immediately following the other.

G. Appropriations, Costs, and Receipts

1. Immigration and Naturalization Service

During the early part of the century, the cost of the immigration system was offset by the head tax paid by immigrants entering the United States. During fiscal year 1938, the Immigration and Naturalization Service spent nearly $10,000,000. This amount has increased each year and, in the fiscal year 1949, the Service spent over $30,000,000. An appropriation of $30,450,000 was made for the fiscal year 1949. Of this amount, $30,404,521 was spent and another $67,599 was provided from the Department of Justice appropriation.

[64] Letter to the chairman of the subcommittee.

Certain moneys are paid into the Treasury as a result of the activities of the Immigration and Naturalization Service. During the fiscal year 1949 these moneys amounted to $3,292,860.99, leaving a net cost to the Government of the Immigration and Naturalization Service activities of $27,179,259.01.

This fund included part of the naturalization fees which were received by the clerks of courts and transferred to the Commissioner of Immigration and Naturalization, who in turn paid the fees into the Treasury; fees received for making copies of official papers; head taxes; administrative fines, assessed by the Service against transportation companies for violation of law; fees for reentry permits and extensions obtained by legally resident aliens who desired to leave the country and return; fees for certificates of registry legalizing the status of aliens in the United States; fees paid by aliens when suspension of deportation has been granted; and moneys received on bonds forfeited.[65]

2. VISA DIVISION

In the fiscal year 1938, the Visa Division spent $43,580. By 1949, the amount had increased to $454,353. These are estimates and included personal services only.[66] The Visa Division was unable to supply data on other operation expenses such as travel, communication services, rents, utility services, other contractual services, supplies and materials, and equipment since these items are paid for as centralized facilities by the Department of State.

3. CONSULAR SECTION

Consuls abroad who issue visas to aliens are under the control of the consular section of the various diplomatic missions abroad. The Department of State estimated that during the fiscal year 1949, more than 1,061 man-years of service were chargeable to visa work, at an estimated cost of $3,519,164: $1,200,292 for nonimmigrant visa services, $1,703,874 for immigration visa services, and $614,998 for other visa services.

During the fiscal year 1949 a total of $2,122,206 was received as fees for visa services, during 1948, $2,051,206, and during 1947, $1,754,475.

4. PUBLIC HEALTH SERVICE

The Public Health Service of the Federal Security Agency examines aliens abroad and on arrival in the United States. It is impossible to determine the exact cost, since the medical officers also perform quarantine inspections and the two functions are often conducted simultaneously. The Public Health Service estimated the cost of performing the immigration medical examination functions at United States ports for the fiscal year 1949 as $545,000. The cost of personnel and maintenance in examining visa applicants abroad for the fiscal year 1949 was $338,856.

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[65] Appendix X, table 12, shows the income received and the sources thereof for the fiscal years 1939 to 1949. Table 13 gives a summary of the financial statements of the Immigration and Naturalization Service for the fiscal years 1938 to 1949, including appropriations, expenditures, receipts, and net costs. Table 14, p. 869, shows the services and functions for which the appropriations of the Immigration and Naturalization Service were spent or obligated.

[66] See appendix X, table 15, p. 869.

5. BOARD OF IMMIGRATION APPEALS

The Board of Immigration Appeals received an appropriation for the fiscal year 1948 of $95,960. Of this amount $90,907 was expended. The appropriation for the fiscal year 1949 was $97,290, with $97,188.44 expended for personal services and $191.33 was supplied from the Department of Justice appropriation for travel expenses.

6. DISPLACED PERSONS COMMISSION

The Displaced Persons Commission began operations in October 1948. Obligations for the fiscal year 1949 for all agencies participating in the displaced-persons program were $2,407,706. The 1950 appropriation for the Commission was $4,210,000.

The Displaced Persons Commission contributes funds to other agencies of the Government which assist in the admission of displaced persons. The amount spent by the Displaced Persons Commission for the fiscal year 1949, including contributions to other agencies, is as follows:

Agency:	*Amount*
Immigration and Naturalization Service	$197, 543. 00
State Department	536, 467. 00
Public Health Service	152, 412. 00
Department of the Army	528, 332. 00
Displaced Persons Commission	992, 952. 00
Total	2, 407, 706. 00

7. COSTS OF AGENCIES DEALING WITH IMMIGRATION AND NATURALIZATION

The amounts expended during the fiscal year 1949 by the various agencies dealing with some phase of immigration and naturalization are as follows: [67]

Agency:	*Amount*
Immigration and Naturalization Service	$30, 472, 120. 00
Visa Division	454, 353. 00
Consular Section	3, 519, 164. 00
Public Health Service	883, 856. 00
Board of Immigration Appeals	97, 379. 77
Displaced Persons Commission	2, 407, 706. 00
Total	37, 834, 578. 77

In addition to the foregoing, there are other agencies which have a part in the functions of the immigration and naturalization system, the cost of which cannot readily be determined. These agencies are the Public Buildings Administration, which furnishes housing for governmental agencies; the Office of the Attorney General; the Congress; and the International Refugee Organization, which pays the transportation of displaced persons to the United States, and receives most of its funds from the United States Government.

[67] The expenditures of Immigration and Naturalization from 1938 to 1949 appear in appendix 10, table 13, p. 869.

H. Relationship Between Immigration and Naturalization Service and Other Agencies

1. RELATIONSHIP TO VISA DIVISION

The present system of divided authority between the Immigration and Naturalization Service and the Visa Division has prompted discussion over the advisability of consolidating these two agencies. Officials of the two agencies insisted, however, that the present separation of functions should be maintained. They pointed to the frequent consultations and cooperation between them on joint problems and contended that the present dual control results in an effective double check on the admissibility of aliens.

It is the opinion of the subcommittee that there should be greater coordination of effort between consuls and the Immigration and Naturalization Service when consuls have information about aliens that would be helpful to the Service.

At present, there is, for example, no information transmitted to the Immigration and Naturalization Service by the consuls concerning an alien granted a visa except that a copy of the fingerprints is forwarded and the visa, including the alien's history, is presented by the alien at the port of entry.

Prior to 1924, an alien's admissibility was determined exclusively at the port of entry by immigrant inspectors after the alien had arrived in the United States. This single check of aliens seeking entry imposed great hardship on some aliens who were found to be inadmissible after breaking all ties at home and making the long journey to this country. After a study of this problem, the Congress provided in the Immigration Act of 1924 for a double check of aliens by separate independent agencies of the Government, first by consular officers before the visas were issued, and by immigration officers after the aliens reached the port of entry.

If a double check was essential 25 years ago to protect the United States against criminals or other undesirables, it is the opinion of the subcommittee that it is even more necessary in the present critical condition of the world to use the double check to screen aliens seeking to enter the United States.

This is not to say, however, that the present system is without its weaknesses, both procedurally and from the standpoint of security. Steps should be taken to establish a central clearing house for information on aliens about to be admitted or already in the United States.

The major argument for consolidation has been alleged abuses or failures by the consuls. It was asserted that consuls sometimes issue visas in doubtful cases, feeling that if the alien is in fact inadmissible that the immigration officials will exclude him at the port of entry.

Visas are issued by consular officers under direct statutory authority. The principal function of the Visa Division is to exercise, on behalf of the Secretary of State, general supervision over diplomatic and consular officers to assure uniformity of action in the performance of their statutory duties. The Immigration and Naturalization Service exercises general supervision over immigrant inspectors, who have certain statutory responsibilities in connection with the admission or exclusion of aliens arriving in the United States.

Some consular officers expressed the feeling that if they had a better understanding of the regulations of the Immigration and Naturalization Service, and were constantly advised of any new decisions or interpretations of the regulations and procedure, that they could do a much better job. One officer stated that regulations and opinions are received from too many sources, and that it would be much better if they were integrated in one volume. He also suggested that the Immigration and Naturalization Service should forward all available information to the various consular offices regarding the reason an alien was excluded, showing why the visa should not have been issued, to serve as a guide in the issuance of visas in future cases. He pointed out that the consuls do not have the same reading test used by the Service in determining whether or not an alien is literate.

A consular officer suggested that, due to the total unfamiliarity of consular officers with the Immigration and Naturalization regulations and procedures, it would be extremely helpful to issue to such officers a comprehensive manual, similar to the one given to immigration officers, and it would also be beneficial to have a series of lectures presented to new consular officers by Immigration and Naturalization officials on their regulations.

2. RELATIONSHIP TO PUBLIC HEALTH SERVICE

Under section 16 of the Immigration Act of 1917, the Public Health Service is authorized to conduct the physical and mental examination of all aliens arriving at ports of entry into the United States. When an alien is found to be suffering from a physical or mental ailment making him mandatorily excludable, there may be an examination by a medical board appointed by the Surgeon General to review the findings of the original examining medical officer.

The only serious criticism voiced before the subcommittee is of the fact that, while the alien may present an expert witness before the medical board hearing his case, the witness is not permitted to testify, but only to answer questions put by the board. The alien may not be represented by counsel before the board.

3. RELATIONSHIP TO CUSTOMS BUREAU

The House Committee on Appropriations authorized a survey of the Bureau of Customs by a management consulting firm. The survey included a study of relations with the Immigration and Naturalization Service. The report suggested that the preliminary screening be carried out by one officer from either service, and that where the applicant was not immediately "passable" he should be directed to a secondary location for more detailed examination by either an immigration officer or a customs officer, depending on the reason for detention. It also suggested a study of a unified border-enforcement agency, equipped to handle all Federal patrolling duties. In April 1948, a letter was sent to the Attorney General quoting the recommendation in the report and suggesting cooperative effort to put into effect the proposed plan. After a conference with the Commissioner of the Immigration and Naturalization Service, it was agreed to make a test of the first suggestion, and the second was referred to the Bureau of the Budget for a study.

A "task force" was appointed consisting of officials from the Immigration and Naturalization Service and the Bureau of Customs, with an observer from the Bureau of the Budget, to carry out an experiment of the consolidated preliminary screening proposal at several larger ports. The plan was put into effect at several points on the Mexican and Canadian borders. The procedure used was to alternate customs and immigration and naturalization men on duty at the port, each of whom inspected all applicants for admission for compliance with the regulations of both services. Where an applicant did not appear to be readily admissible from either an immigration or customs standpoint, he was referred for further examination by an officer of the proper service. The entire procedure was observed by the members of the task force.

At the expiration of the trial period of several weeks, the representatives of the Immigration and Naturalization Service were unanimous in their decisions that the plan was not justified or practical because little savings in manpower was negated by less effective enforcement. It was indicated that if men could be trained to know both Immigration and Naturalization and Customs regulations and procedures thoroughly, there could undoubtedly be consolidation and saving of personnel could be effected. The problem of dual administrative supervision would, however, present great difficulties and might result in lowered morale and efficiency.

The full task force agreed that the plan might be feasible at Laredo and Brownsville but due to certain physical difficulties it was not practical at El Paso. After it had been in effect for some time, the Customs officials recommended that the plan be made permanent at Peace Bridge, Buffalo, Rainbow Bridge, and Niagara Falls, while the Immigration and Naturalization Service men were of the opinion that it was not practical. The Customs officers reported that, if the dual screening procedure were put into effect at the four ports of Laredo, Brownsville, Buffalo, and Niagara, there would be a savings of approximately $72,000 per year.

The reason the task force agreed that the plan might work at the two ports on the Mexican border is due to the difference in the immigration regulations governing persons crossing the Mexican border and the immigration regulations governing persons crossing from Canada. On the southern border, approximately 90 percent of those crossing are documented, so the Immigration and Naturalization inspection amounts primarily to identification. Of the other 10 percent, more than half are white, not Mexicans, so that fewer than 5 percent of the crossers on the Mexican border have to be carefully questioned and inspected. On the Canadian border, fewer than 1 percent of those crossing have documents and nearly everyone must be questioned.

At all ports where the tests were made, the field officers of both Services were opposed to the plan. The Immigration and Naturalization men felt that what little savings would be accomplished in personnel would be lost in the long run due to the increased expense involved in apprehending and deporting inadmissible aliens who had succeeded in entering.

There are 96 land border ports on the Mexican and Canadian borders where Immigration and Naturalization and Customs officers perform the dual functions of inspecting for both services. Immigration

and Naturalization officials stated that this works out satisfactorily at these ports because (1) they are class B ports, designated for entry only of aliens who are lawful residents of the United States and who are properly documented, and (2) the traffic at the 96 ports is so very light that the officer on duty has time to refer to appropriate regulations in the event a difficult question arises.

A record was maintained of the operations at the Peace Bridge in Buffalo which indicated that the Customs officers were not enforcing the immigration laws to the extent expected. During 1 month 56 persons were referred to Boards of Special Inquiry, only 2 of whom were referred by Customs officers; during the following month out of 46 referrals, only 3 were by Customs officers; during the following month 7 out of 69 were referred by Customs officers, and during the following month only 1 out of 40 was referred by Customs officers.

During a period of several weeks at Niagara Falls, out of 103 persons held for further examination, 4 were detained by Customs officers. During the same period in the preceding year, 196 persons were held by Immigration and Naturalization officers.

4. RELATIONSHIP TO SOCIAL SECURITY AGENCY

With certain exceptions, all persons in the United States must obtain a social-security card in order to obtain employment. Under the present regulation the records of the Social Security Agency are confidential and are not open to officers of the Immigration Service or any other agency. Aliens smuggled into the United States or abandoning their status as nonimmigrants can apply for social-security cards and seek employment in industry in complete confidence that the records so created will never be brought under official scrutiny of the Immigration and Naturalization Service. Furthermore, it is a well-known fact that a great many aliens have absconded after release or have not been apprehended since their arrival in the United States and social-security numbers of many of these aliens are on file or could be obtained easily.

It has been suggested that the social-security laws be amended to require foreign-born persons applying for social-security cards to give certain essential information by which their status under the immigration laws can be determined and that a copy of the application be furnished to the Immigration and Naturalization Service. If such legislation were enacted, it is believed that illegal entry and abandonment of nonimmigrant status would be considerably more difficult for aliens and less frequently resorted to, and enforcement problems would be reduced and simplified accordingly.

It is the view of the subcommittee that to make available the social-security records of aliens to Government enforcement agencies would be of inestimable value. The Immigration Service, with its present staff of enforcement officers, finds it impossible to cope with the problem of illegal aliens through its own resources alone.

The cooperation of the Social Security Agency in furnishing information regarding the whereabouts of aliens would enable the Immigration Service to apprehend them in many cases without resorting to long investigations.

I. Passport and Visa Divisions

1. GENERAL

In any consideration of the mechanics of immigration, a review of the work of the Passport Division of the Department of State must be made. Although passports are issued only to citizens, the problem is in reality related to immigration for a number of reasons: (1) A considerable amount of fraud by aliens has been uncovered in the attempts to secure and to use passports, (2) travel abroad of citizens involves the work of consular officials and their return must be checked by immigration and naturalization personnel, and (3) issuance of passports, particularly in the case of naturalized citizens, involves documentation which duplicates or depends on the processes of immigration and naturalization.

It is apparent, therefore, that the work of the visa-issuing offices and the passport-issuing office must of necessity run in parallel channels. The subcommittee has given serious consideration to the proposal advanced by the Hoover Commission for a transfer of the Visa Division to the Department of Justice and its merger with the Immigration and Naturalization Service. As already pointed out, the subcommittee is persuaded to continue the visa process separate from the immigration procedure as an additional barrier to the entry of inadmissible aliens.

The subcommittee does, however, hold that a unification of the documentary phase of travel by both aliens and citizens, should be vested in a single agency.

2. COORDINATION OF OPERATIONS

The Passport Division of the Department of State exercises documentary control over the travel of nationals and citizens of the United States through the issuance or refusal of American passports. The Visa Division exercises administrative supervision over the documentary control of the travel of aliens through the issuance or refusal of visas by American consular officers in foreign countries. Until recently, both Divisions maintained direct and continuous liaison with the Federal Bureau of Investigation and other security and intelligence agencies of the Government. The best interests of the United States would be served if that liaison were reestablished and continued under statutory authority.

The organized movement of subversives and criminals to and from the United States often involves the travel of both nationals or citizens of the United States and aliens in the same organization. To increase the effectiveness of the documentary control over the movements of such individuals or groups, it is desirable to bring the Passport and Visa Divisions of the Department of State into a single Bureau, headed by a Director, who will serve under the general direction of the Secretary of State, with the rank of an Assistant Secretary, and who will be of equal rank with the Directors of the Federal Bureau of Investigation, the Central Intelligence Agency, and the heads of other security and intelligence agencies of the

Government. The new bureau, to be designated as the Bureau of Passports and Visas, is to contain two operating units, the Division of Passports and the Division of Visas.

The recognized difficulty in the adequate enforcement of appropriate travel control measures against subversive and criminal elements, and administration of the complex and highly technical provisions of our immigration and nationality laws, requires the services of an official who is thoroughly experienced in this field and whose loyalty is unquestionable. In the interest of our national security, as well as the efficient administration and enforcement of our immigration and nationality laws, the subcommittee has concluded that certain statutory qualifications should be laid down for the positions of Director of the Bureau of Passports and Visas, Chief of the Passport Division, and Chief of the Visa Division.

The subcommittee further considers that the initial administration and enforcement of our immigration laws at the actual source of aliens in foreign countries through the visa system, which was made a statutory responsibility of consular officers in the Foreign Service of the United States under the Immigration Act of 1924, should be continued. As the members of the Foreign Service have the requisite experience in this field, the subcommittee believes that experienced Foreign Service officers should always be selected as heads of the Bureau of Passports and Visas, as well as the Visa Division of that Bureau, thus continuing a practice which has been long established and has usefully served the interests of the United States.

In order that the Congress may maintain proper surveillance over the administration and enforcement of the law, as well as the cost thereof, the subcommittee recommends that both the Commissioner of immigration and Naturalization and the Director of the Bureau of Passports and Visas should be appointed by the President with the advice and consent of the Senate and that the annual budgets of the Service and the Bureau should be clearly earmarked in the departmental budgets.

J. Conclusions and Recommendations

1. GENERAL

Among the principal points of criticism aimed at the present immigration structure has been the contention that the multiplicity of control by several agencies of various immigration activities should be eliminated. In general, the subcommittee has come to the conclusion that, although there are some points in the mechanism where coordinated action is necessary and duplication must be eliminated, the over-all structural pattern ought to be maintained. The subcommittee is persuaded to the position on the grounds that (1) the distribution of responsibility places additional barriers in the way of undesirable aliens, additional fences of protection which the alien must surmount, and (2) the present system operates satisfactorily and the suggested modifications will eliminate most of the existing difficulties.

One of the areas of clarification which the subcommittee advises is in the legislative allocation of authority to the Commissioner of the Immigration and Naturalization Service. At the present time, authority is vested both in the Attorney General and the Commissioner.

Many fields of authority are ill defined and often responsibilities are placed on the Attorney General which would be more properly handled by the Commissioner. Accordingly, the subcommittee recommends that the administrative authority under the immigration and naturalization laws be vested in the Commissioner, subject to general direction and over-all supervision by the Attorney General.

2. IMMIGRATION SERVICE AND THE VISA DIVISION

There undoubtedly is improvement possible in the present system of having visas issued by consular officers and examinations at the port of entry conducted by officers of a separate agency, the Immigration Service, but it appears that corrections can be made without such drastic changes as consolidation.

If the consular officers were placed under the Immigration Service for the purpose of issuing visas, the divided responsibility and supervisory authority would create an impracticable situation for the personnel engaged in the work.

The solution to the problem of lack of knowledge, experience, and information on the part of consular officials is a better program of information and training, not a change in the organizational structure. It is, therefore, recommended that the regulations, decisions, and interpretations of the Immigration Service laws and procedures be made available to all consular officers engaged in visa work, and that all Foreign Service personnel in the future be given suitable training, by Immigration officials if possible, in the problems confronting both the consular officer issuing a visa and the immigrant inspector conducting the examination at the port of entry.

3. THE IMMIGRATION SERVICE AND THE PUBLIC HEALTH SERVICE

The procedure before the medical boards should be adjusted to permit testimony by expert medical witnesses for the alien and to permit counsel to represent the alien in such proceedings. This could be handled administratively, without legislative action. It would be helpful to have more Public Health doctors overseas to examine applicants before the issuance of a visa. If this is not possible, it appears that more care be used and more strict qualifications be required in the selection of examining physicians overseas.

4. THE IMMIGRATION SERVICE AND THE CUSTOMS BUREAU

It is the opinion of the subcommittee that any consolidation of the functions of the Immigration and Naturalization Service and the functions of the Bureau of Customs should be only in isolated instances such as at class B ports where such consolidation of functions would not impair the enforcement of the immigration laws.

5. THE IMMIGRATION SERVICE AND OTHER AGENCIES

It is recommended that social-security records be made available to the Immigration and Naturalization Service. Before a social-security card is issued to an alien, his status should be checked with the Service or he should be required to furnish sufficient evidence that he is a legal resident.

6. CENTRAL INDEX FILE

It is the recommendation of the subcommittee that there should be established a central index file under the control of the Immigration and Naturalization Service, containing complete information on all aliens in the United States, as well as information regarding aliens in foreign countries who might eventually attempt to immigrate to the United States. This file should include the names of all aliens who have been refused visas, as well as those who have been issued visas. The look-out files of the various districts should be consolidated in the central index so that any immigration district could refer to the central office a request for a name check. Other security and enforcement agencies of the Government should be required to at least furnish the names of aliens on which they have information so that the index would indicate where additional information may be available. With such information centrally located, consuls in foreign countries and Government agencies in this country could be alerted by reference to the central index.

7. VISA AND PASSPORT DIVISION

Because of the close relationship of the Visa and Passport Divisions of the Department of State and their importance in the control of immigration problems, the subcommittee recommends the establishment of a Bureau of Passports and Visas as an independent unit of the Department, headed by a Director with the rank of Assistant Secretary of State and subject to general supervision by the Secretary.

CHAPTER IV

EXCLUDABLE AND DEPORTABLE CLASSES

A. Excludable Classes

1. SUMMARY OF EARLY LEGISLATION

It was not until the latter half of the nineteenth century that the Federal Government placed legislative restriction upon the entry of aliens into the country and the first comprehensive act including within its provisions all of the excluding provisions was not enacted until 1917.[1]

In 1875 Congress passed the first immigration exclusion act [2] barring convicts and prostitutes. In 1882,[3] idiots, lunatics, or persons likely to become public charges were added. In 1885 [4] and 1887,[5] the entrance of all aliens under contract or agreement to perform labor in the United States was prohibited.

Chinese laborers were excluded in 1882 [6] for 10 years, a prohibition which was made permanent by subsequent acts.[7]

The act of March 3, 1891,[8] broadened the earlier laws and the list of excludables by adding insane persons, paupers, persons suffering from a loathsome or a dangerous contagious disease, polygamists, and persons whose passage had been paid for with the money of another or who had been assisted by others to come. The term "convicts" was defined to mean persons convicted of felonies or other infamous crimes or misdemeanors involving moral turpitude.

The act of March 3, 1903,[9] added to the growing list epileptics, imbeciles, professional beggars, and persons afflicted with tuberculosis. The act of February 20, 1907,[10] added feeble-minded persons, children under 16 unaccompanied by their parents, persons who were suffering from physical or mental defects that might affect their ability to earn a living, and persons who admitted the commission of a crime involving moral turpitude. The act of March 26, 1910,[11] broadened some of the existing classes of excludables.

The excludable classes were assembled in the act of February 5, 1917,[12] which is presently in effect. Section 3 of the act, as amended by subsequent legislation, sets out 13 classes of excludables—aliens who (1) are physically or mentally defective, (2) are economically burdensome to the country, (3) are likely to become public charges, (4) have committed a crime involving moral turpitude, (5) are known

[1] For a history of immigration laws, see ch. I, p. 43.
[2] 18 Stat. 477.
[3] 22 Stat. 214.
[4] 23 Stat. 332.
[5] 24 Stat. 414.
[6] 22 Stat. 58.
[7] 23 Stat. 115, 27 Stat. 25, 32 Stat. 176.
[8] 26 Stat. 1084.
[9] 32 Stat. 1213.
[10] 34 Stat. 898.
[11] 36 Stat. 263.
[12] 39 Stat. 874.

as immoral for the reason that they belong to the groups who are polygamists, prostitutes, or those who aid in the practice of prostitution, (6) are contract laborers, (7) have been assisted to come to the United States, (8) have previously been deported from the United States, (9) are stowaways, (10) are racially ineligible, (11) have departed during time of war to evade the draft, (12) are illiterate, and (13) are anarchists or advocate the overthrow of the Government by force or violence.

2. COURT DECISIONS

In 1889 [13] the Supreme Court held that the power of the Congress to exclude aliens from the country is an incident of sovereignty. In numerous other cases it has been held that the power to exclude aliens is absolute and the Congress may impose any conditions or prescribe any rules to govern the entry of aliens as it may deem proper.[14]

The courts have also held that it is proper for the Congress to delegate its power to control immigration to officials who may have a discretionary power and who are made sole and exclusive judges of the existence of facts concerning the entrance of immigrants under the immigration laws. In fact, it has been specifically ruled that—

> It is not within the province of the judiciary to order that foreigners who have never been naturalized, nor acquired any domicile or residence within the United States, nor even been admitted into the country pursuant to law, shall be permitted to enter, in opposition to the constitutional and lawful measures of the legislative and executive branches of the national government. As to such persons, the decisions of the executive or administrative officers, acting within powers expressly conferred by Congress, are due process of law.[15]

The courts have held that every entry into the United States from a foreign country is an original entry and that aliens are subject, therefore, to all of the provisions of the immigration laws whenever they enter, whether it is an original or a subsequent entry.[16] This holding was modified, however, by a recent decision which holds that an entry after an involuntary departure, is not an entry within the meaning of the immigration laws which would subject an alien to their terms.[17]

3. STATISTICS

a. General

The Visa Division of the Department of State keeps no figures on the number of aliens refused visas by American consuls overseas. The Immigration and Naturalization Service of the Department of Justice does, however, keep records of the number of aliens barred from entry into the country when they reach our borders, as well as the number who are deported.

More aliens have been deported in the last 10 years than have been excluded from entry. Both deportations and exclusions declined during the war years when people were prevented from migrating easily from one place to another.

Proportionately more people have been deported than excluded since the end of the war than in the years immediately preceding.

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[13] *Chae Chan Ping* v. *United States*, 130 U. S. 581 (1889).
[14] *The Nanking*, 290 F. 769 (1923); *U. S. ex rel. John Turner* v. *Williams*, 194 U. S. 279 (1904).
[15] *Nishimura Ekiu* v. *U. S.*, 142 U. S. 651, 660 (1892).
[16] *Del Castillo* v. *Carr*, 100 F. 2d 338 (1938).
[17] *Delgadillo* v. *Carmichael*, 332 U. S. 388 (1947).

From 1900 to 1930 far more aliens were excluded than were deported.[18] In recent years, far more writs of habeas corpus have issued in deportation cases than in exclusion cases, since an alien is more likely to have the assistance of counsel in a deportation case than in an exclusion case, although he is entitled to counsel in both instances.[19]

b. Exclusions

From 1940 to 1949, more aliens likely to become public charges were excluded than any other group. The number of aliens excluded for that cause in the last few years has, however, been considerably smaller. The second largest number of aliens has been excluded as being stowaways. This figure declined during the war years, but has risen sharply since then.[20]

From 1935 to 1944, the French led in the number of excluded aliens, with the English second and the Irish third. These three groups have, of course, high quotas. More males were excluded than females, a trend which has existed for over 30 years, probably, because of the larger number of men arriving at points of entry.[21]

c. Deportations

Between 1908 and 1949, the most frequent reason for deportation was lack of proper documents, without inspection, or by false statements; with criminality, overstay, and mental or physical defects following in that order.[22]

The country to which the largest number of aliens were deported from 1924 to 1949 was Mexico with 146,183 cases, followed by Canada with 40,250, Italy, with 11,652, and China with 9,024.[23]

4. MEDICAL EXCLUSIONS

a. Present law and historical background

The Immigration Act of 1917 provides that the following types of physically and mentally defective aliens shall be excluded from entrance into the United States:

> All idiots, imbeciles, feeble-minded persons, epileptics, insane persons; persons who have had one or more attacks of insanity at any time previous; persons of constitutional psychopathic inferiority; persons with chronic alcoholism; * * * persons affiicted with tuberculosis in any form or with a loathsome or dangerous contagious disease; persons not comprehended within any of the foregoing excluded classes who are found to be and are certified by the examining surgeon as being mentally or physically defective, such physical defect being of a nature which may affect the ability of such alien to earn a living.[24]

The first law of this nature was the Immigration Act of March 3, 1891,[25] which barred "all idiots, insane persons, * * * persons suffering from a loathsome or a dangerous contagious disease * * *" The act of March 3, 1903[26] added "epileptics

[18] For summary of deportations and exclusions from 1900 to 1947, see appendix XI, table 1, p. 870.
[19] For the number of writs of habeas corpus from 1931 to 1949, see appendix XI, table 2, p. 870.
[20] For the number of exclusions from 1940 to 1949 and the reasons therefor, see appendix X, table 3, p. 871.
[21] For a detailed break-down of the sex and nationality and race of persons debarred from 1935 to 1944, see appendix XI, table 4, p. 872.
[22] Detailed annual break-downs of deportations and causes therefor, as well as general summaries and summaries by decades, appear in appendix XI, table 5, p. 873.
[23] A detailed listing of deportations by country from 1924 to 1949 appears in appendix XI, table 6, p. 875; by country, by reason, from 1939 to 1948, in table 7, pp. X; and a more detailed listing by country and reason for 1949, in table 8, p. 880.
[24] 39 Stat. 874, sec. 3.
[25] 26 Stat. 1084.
[26] 32 Stat. 1214.

and persons who have been insane within 5 years previous; persons who have had two or more attacks of insanity at any time previously."

Four new groups of physically and mentally defective persons were added on February 20, 1907:[27] "Imbeciles," "feeble-minded," "persons afflicted with tuberculosis," and persons afflicted with a "mental or physical defect being of a nature which may affect the ability of such alien to earn a living." The act of March 26, 1910,[28] left unchanged the 1907 medical exclusion section.

The only substantial change made in 1917 was addition of "persons of constitutional psychopathic inferiority; persons with chronic alcoholism," and a change in the wording to make the clause on tubercular aliens more inclusive. The Senate report which accompanied the 1917 act stated that additions in excludable classes were made and changes incorporated in the language of the bill—

> The object being to make the factor that determines rejection of the mentally defective the mere existence of the defect, not as with the physically defective, the question whether the defect affects earning capacity. The reasons for excluding a physically defective alien are likelihood of his becoming a public charge and inability by his own exertions to care for himself and those dependent upon him, while the real object of excluding the mentally defective is to prevent the introduction into the country of strains of mental defect that may continue and multiply through succeeding generations, irrespective of the immediate effect thereof on earning capacity. This change was made only after consultation with persons of knowledge and experience, and is in line with the well-established public policy of rigidly excluding the mentally deficient.[29]

b. Exception to exclusion

Section 21 of the 1917 act permits, in the discretion of the Attorney General, the entrance of aliens who would be excludable because of physical disability, if the disability is one other than tuberculosis in any form or a loathsome or dangerous contagious disease. These aliens are admitted upon the giving of a "suitable and proper bond or undertaking, approved by the Attorney General, in such amount and containing such conditions as he may prescribe."

c. Court decisions

It has been held that where, after a fair hearing, an alien has been excluded under the immigration statute on the ground of a physical defect which may impair his ability to earn a living, his admission cannot be effected by an offer of remunerative employment.[30]

Marriage of an alien to an American citizen after an order of deportation has issued will not affect the applicability of the exclusion provision governing mentally and physically defective aliens.[31]

The Supreme Court held [32] that the medical certificate which stated that an alien was free of any dangerous or loathsome disease is not conclusive and that a second examination by the doctors of the Public Health Service finding that he was not free of disease was not, therefore, void.

The Court ruled recently [33] that a board of special inquiry is bound to accept as final a certificate by a medical appeal board that an alien is mentally defective under section 3 of the act.

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[27] 34 Stat. 898.
[28] 36 Stat. 263.
[29] S. Rept. 352, 64th Cong., pp. 4-5.
[30] *Rokiyi Tamlara* v. *Weedin* (C. C. A. 9th, 1924) 299 F. 299.
[31] *Gomez* v. *Nagle*, 6 F. (2d) 520 (1925); *U. S. ex rel. Paolantonio* v. *Day*, 22 F. (2d) 914 (1927).
[32] *Gee Shew Hong* v. *Nagle*, 18 F. (2d) 218 (1927).
[33] *United States ex rel. Johnson* v. *Shaughnessy*, 336 U. S. 806 (1949).

d. Regulations pertaining to exlusion

State Department regulations provide that the immigrant undergo a physical examination before a visa can be issued to him by an American consular officer overseas.[34] The medical examination is made by the officers of the Public Health Service, without cost to the alien, if such officers have been assigned to the consular offices. Where Public Health Service doctors are not assigned for this purpose, the consular officer appoints reputable and competent physicians in his district to conduct appropriate medical examinations in accordance with the regulations of the Public Health Service and at the alien's expense.[35]

Regulations of the Public Health Service provide that aliens shall be examined by medical officers of the Public Health Service. Female aliens must be examined by female medical officers or in the presence of a female, who may be an assistant to the medical officer.[36]

The regulations expressly provide that consideration shall be given only to those matters which relate to the physical or mental condition of the alien and certificates or notifications of a disease or defect shall issue only if the presence of a disease or defect is clearly established.[37]

All examinations of visa applicants include a chest X-ray for tuberculosis and a blood test for syphilis, except that children 10 years or under are required to undergo such examinations only when the medical officer has reason to believe that the applicant has tuberculosis or syphilis. If examinations are conducted at American consulates where the necessary X-ray and laboratory facilities are not available, the visa applicant is required to furnish a chest X-ray plate, a reading thereof, and a blood test at his own expense. The X-ray plate and reading, the blood report, and the record of the physical examination are placed in a separate envelope attached to the immigration visa for ready examination by the medical officers at the port of entry. In cases where it is impossible, due to lack of available facilities, for either the Public Health Service doctors or for local physicians to make the necessary X-rays and blood tests, the examining medical officer so states upon the examination form and the alien is then held at the port of entry until the examinations are completed.[38]

Findings that the alien is afflicted with mental or physical defects are reported to the consular authority on a regulation form known as a "medical notification" or to the Immigration Service by "medical certificate." [39] If an alien is found to be free of any defect or affliction, it is indicated on the visa.[40]

If it appears upon examination that there is doubt about the physical or mental condition of an alien, the alien is held over for such observation and further examination as the medical officer in charge deems necessary.[41] If the medical officer determines that a proper examination or reexamination cannot be completed satisfactorily at the place at which it is undertaken, he may discontinue the examination and recommend to the consular authority in the

[34] 8 CFR 61.331.
[35] 8 CFR 61.331 and 61.332.
[36] 42 CFR 34.3.
[37] 42 CFR 34.4.
[38] 42 CFR 34.4 (b) and (c).
[39] 42 CFR 34.6.
[40] 42 CFR 34.5.
[41] 42 CFR 34.10 (a).

district that the alien be removed to a place where it may be satisfactorily completed.[42]

There are three types of certificates or notifications issued by the medical authorities in the case of afflicted aliens.

(1) Class A

A class A certificate or notification is issued if the alien is mandatorily excludable, because he is afflicted with:

(*a*) Tuberculosis in any form;

(*b*) a loathsome or dangerous contagious disease;

(*c*) idiocy, imbecility, feeblemindedness, epilepsy, insanity, chronic alcoholism, or constitutional psychopathic inferiority;

(*d*) a mental defect not enumerated in (*c*) if the defect is not due merely to mental shortcomings due to ignorance, suffering from a mental condition attributable to remedial physical causes, or from a psychosis of a temporary nature caused by a toxin, drug, or disease.[43]

(2) Class B

Where the visa officer may exercise his discretion, class B certificate or notification is issued. These are cases in which the alien is found to have a physical defect which may affect his ability to earn a living. The nature and extent of the defect is noted, as well as whether it is chronic or permanent and the extent to which it is likely to render the alien incapable of pursuing a vocation or profession for which he has been trained or has experience, or the extent to which it renders him incapable of performing physical or manual work if he has no vocation or experience.[44]

(3) Class C

A class C certificate or notification is issued in the case of minor defects, other than those for which class A and B certificates or notifications are issued.[45]

e. Medical examination overseas

All immigrant applicants are sent to medical officers by the American consular officials to whom they have applied for visas. Temporary visitors may be sent if the consul has cause to believe that a physical defect may bar them from admission to the United States.

In some consular offices, Public Health Service doctors are assigned as technical advisers to the consular officers, while in others the consular service depends entirely upon local physicians on an approved list who have agreed to make examinations according to the rules of the Public Health Service Manual. Medical officers make a complete examination of aliens and send their findings to the consular officers on regulation forms. They make no recommendations on the eligibility of the aliens, but only note the diseases and defects found. The medical officer is a technical adviser or consultant. The disposition of the alien is none of his affair.

Medical officers have considerable latitude in making an accurate medical diagnosis. They may consult with the personal physician of the alien or with other doctors and specialists. The final diagnosis,

[42] 42 CFR 34.10 (b).
[43] 42 CFR 34.7.
[44] 42 CFR 34.8.
[45] 42 CFR 34.9.

however, rests with the medical officer. If the consular officer requests a reexamination, the medical officer makes it, repeatedly, if the consular officer feels that it is an appropriate case.

There have been no examinations by Public Health doctors referred to Washington, although cases where the examining panel was made up entirely of foreign doctors have been referred. X-ray films have been shipped to Washington for examination and opinion. The regulations provide that the medical report be made directly to consular officials and no opinion or report is given to the alien.[46] Reports are written in medical terms that will withstand legal scrutiny. The whole intent of the procedure is to establish the diagnosis through clinical finding or laboratory work and not just diagnosis from a simple observation examination.

An official of the Public Health Service stated before the subcommittee:

> It is not an opinion he establishes. He does not say, "This is my opinion," but he establishes it as a medical fact.

It has been stated that the mental conditions are the most difficult to diagnose because they cannot be proved by laboratory evidence. There is, however, a routine psychometric and psychiatric examination procedure that is followed, and the Public Health Service has a well-trained psychiatrist in Europe who has developed a manual on the subject and is indoctrinating younger doctors in examining procedures designed to screen out the mental defectives. According to an officer of the Public Health Service:

> We have certain mechanical aids in evaluating * * * intelligence and we are attempting to get definite yardsticks for establishing the diagnosis of constitutional psychopathic inferiority which is the first step, we might say, below normal. That is the most controversial diagnosis we could make, naturally.

It was stated that only a few cases are rejected on that ground.

f. Examinations in the United States

Section 16 of the 1917 Immigration Act provides that the physical and mental examination of all aliens arriving in this country shall be made by medical officers of the Public Health Service, or, if they are not available, civil surgeons of not less than 4 years' professional experience. The aliens must be examined by not less than two medical officers acting under administrative regulations prescribed by the Attorney General and medical regulations by the Surgeon General of the Public Health Service.[47]

Any alien found afflicted with insanity or mental defect may appeal to the board of medical officers of the Public Health Service, convened by the Surgeon General. The alien may present the testimony of one expert medical witness at his own cost and expense.

g. Reexamination by Board of Medical Officers

The regulations of the Public Health Service provide for the convening of medical boards upon either the request of the Immigration Service or in the case of an appeal of an alien from a certificate of insanity or mental defect issued at a port of entry under section 16 of the act. Boards are convened by the Surgeon General or by the medical officer in charge of the port, if he is so authorized.[48]

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[46] 42 CFR 34.6; 8 CFR 61.331.
[47] 39 Stat. 874, 885.
[48] 42 CFR 34.13 (a).

Medical boards consist of at least two medical officers, and when practicable, of three. The reexamination includes a medical examination by the board, review of all records submitted, use of any laboratory or diagnostic methods or tests deemed advisable, and consideration of statements regarding the alien's physical or mental condition made by a reputable physician after his examination of the alien.[49]

Aliens are notified of the time and place of the reexamination not less than 5 days in advance.[50] Physicians or medical experts as the board, in its discretion, permits may be introduced as witnesses at the expense of the alien. An alien who has appealed from a certificate of insanity or mental defect is permitted to introduce at least one expert medical witness. If witnesses offered for testimony are not permitted to testify, the record of the proceedings shows the reason for the denial.[51]

Witnesses are given an adequate opportunity to examine the medical certificate involved in the reexamination and are permitted to present all relevant evidence. Evidence may be given orally or in writing until such time as the proceedings of the board are declared to be closed by it.[52]

The findings and conclusions of the board are based on its medical examination of the alien and on the evidence presented and made a part of the proceedings.[53] They are reported to the Immigration Service and prompt notice is given to the alien where the reexamination was had upon his appeal. The report specifically affirms, modifies, or rejects the findings and conclusions of the medical officers who made the previous examination.[54] In some cases, it may be found that an alien is afflicted with a disease or defect not previously certified, in which case the board will issue a certificate to the Immigration Service as provided by Public Health Service regulations.[55] After the board has submitted its report, it is not reconvened in the same case, except upon the express authorization of the Surgeon General.[56]

h. Additional sections pertaining to the mental and physical defectives

In addition to section 3, there are two other sections of the 1917 act which pertain to the exclusion of mentally and physically defective aliens.

Section 21 permits the entry into the country of aliens suffering from a physical disability, other than tuberculosis in any form or a loathsome or dangerous contagious disease, but who are otherwise admissible, at the discretion of the Attorney General upon giving of suitable and proper bond or undertaking, approved in the amount and under conditions as the Attorney General may prescribe. The bond is to prevent the alien from becoming a public charge.[57]

Section 22 pertains to the entry of the wife and children of a resident alien and naturalized citizens found to be affected with any contagious disorder. It provides that they shall be held, under such regulations as the Attorney General prescribes, until it is determined whether the disorder will be easily curable or whether they can be permitted to land without danger to other persons. They may not be admitted

[49] 42 CFR 34.13 (c).
[50] 42 CFR 34.13 (d).
[51] 42 CFR 34.13 (e).
[52] 42 CFR 34.13 (f).
[53] 42 CFR 34.13 (g).
[54] 42 CFR 34.13 (h).
[55] 42 CFR 34.13 (i).
[56] 42 CFR 34.13 (j).
[57] 39 Stat. 874, 891; 8 U. S. C. 158.

or deported until these facts have been ascertained. If it is determined that the disorder is easily curable and the husband, father, or other responsible person is willing to bear the expense of treatment, they may be treated in a hospital until cured and then be admitted. If it is determined that they can be permitted to land without danger to other persons, they may, if otherwise admissible, be admitted. If the person sending for his wife or minor children is naturalized, the wife, or a minor child born subsequent to his naturalization, shall be admitted without detention for treatment in a hospital; but in the case of a wife acquired or minor child born prior to naturalization the alien provisions of this section are applicable. If the person is unable to pay for treatment, the expense is paid from the appropriation for the enforcement of the laws regulating immigration of aliens into the United States.[68]

i. Problems involved

Statements of immigration officials and of other interested parties, indicate that the chief difficulties in the administration of the exclusion clauses of the 1917 act pertaining to mentally and physically defective aliens arise in diagnosing "constitutional psychopathic inferiority" and in determining the right and manner of appeal in cases involving mental or physical defects.

An official of the Immigration Service stated before the subcommittee that the purpose of the "constitutional psychopathic inferiority" clause in the act was to keep out "tainted blood," that is, "persons who have medical traits which would harm the people of the United States if those traits were introduced in this country, or if those possessing those traits were added to those in this country who unfortunately are so afflicted."

It is apparent that, although there is considerable dispute over the meaning of the term, the exclusion of persons with "constitutional psychopathic inferiority" was aimed at keeping out of the country aliens with a propensity to mental aberration, those with an inherent likelihood of becoming mental cases, as indicated by their case history.

Perhaps because of the difficulty of diagnosis and definition, there have been numerous protests over continuation of this exclusion clause. A number of the appeals to the Immigration and Naturalization Service have been aimed at the diagnosis of "constitutional psychopathic inferiority" by the examining medical officers. The arguments before the subcommittee centered about two points of attack against the provision: (1) that it placed excessive and arbitrary powers in the hands of officials, and (2) the term is vague, undefined, and has not served any useful purpose.

It must be pointed out, however, that, since the alien has no inherent right to enter the United States, but, on the contrary, entry is a privilege extended only where the authorities are convinced that it will not in any way injure the people of this country, the core of the opposing argument is not properly addressed to the problem, at least insofar as it concerns the power of the immigration authorities. As pointed out by the chief of the expulsion division of the Immigration and Naturalization Service in New York:

> There have been so many loopholes created in the law that it is believed the law should be reworded to provide for deportation of aliens who become inmates

[68] 39 Stat. 874, 891; 8 U. S. C. 159.

of insane asylums, with perhaps a time limitation of within 10 years after entry, irrespective of whether the amount assessed by the State is paid.

The arguments concerning the difficulty of diagnosis and definition do, however, have considerable merit. It is important in any legislative enactment that the rules of enforcement be made definite and practicable. It is to this issue that the subcommittee addresses itself in its recommendations that the language be modified.

The deliberations of the subcommittee also touched upon other phases of the medical exclusion clauses. Among the facts laid before it, were matters relating to the general work of the Public Health Service, as well as its organization structure. It was argued, for example that (1) the Public Health Service doctors should be made subject to the jurisdiction of the Commissioner of Immigration, or (2) that the part of the 1917 act pertaining to the Public Health Service doctors should be repealed, and the Immigration Service should be allowed to have its own staff of doctors, responsible to it and not to a third agency. It should be noted, however, that both of those suggestions are impracticable from the point of view of the examination of aliens in their countries of origin, as the doctors in that instance report to the consular service, and the alleged difficulty of two independent agencies working together would still be present.

Furthermore, it appears that the present system is working efficiently. An official of the Public Health Service testified that this country spends many millions of dollars in the fight against tuberculosis, venereal diseases, and the mental conditions, and one of the best contributions toward that program is the careful medical examination of persons who contemplate living amongst us. It was his opinion that the existing statutes contain the necessary authority and no revision is required.

A statement from the American consulate at Marseille, France, pointed up the difficulty of functioning without the aid of proper medical authorities in the work of examining visa applicants:

> Since there is no Public Health surgeon attached to this office, visa officers are required to interpret medical findings, X-rays, and blood tests submitted by local doctors and laboratories for intending immigrants. Although the approved local doctors have been informed of the medical requirements for admissibility into the United States, questions sometimes arise in interpreting the regulations which require not only medical training but a familiarity with the English language, which the local doctors do not always possess. Sometimes, also, the diagnosis and reports are fairly technical in nature, making it difficult for the visa officer to determine whether the applicant is admissible or excludable. At the present time, in cases of doubt, opinions are requested from the Public Health surgeon attached to the Paris Embassy. However, it would save considerable time and effort on the part of visa officers, as well as considerable expense on the part of the applicant, and, possibly a more effective enforcement of the medical provisions of the immigration laws, to have a full-time or even a part-time Public Health surgeon assigned to the office for the medical processing of visa applicants.

j. Conclusion and recommendations

The subcommittee finds that the physical set-up of the Public Health Service is a fundamentally workable organization. The fact that it is an independent agency not directly under the authority of either the State or Justice Departments does not appear to be material. Additional personnel for service overseas, so as to avoid dependence upon foreign doctors in the American consulates where visa work is heavy, is advisable.

The present clauses excluding mentally and physically defective aliens, with three exceptions, are sufficiently broad to provide adequate protection to the population of the United States, without being unduly harsh or restrictive. The subcommittee believes, however, that the purpose of the provision against "persons with constitutional psychopathic inferiority" will be more adequately served by changing that term to "persons afflicted with psychopathic personality," and that the classes of mentally defectives should be enlarged to include homosexuals and other sex perverts. Aliens who may be debarred because of a physical defect, not otherwise specifically enumerated, which may affect their ability to earn a living should not be classified as excludables if they affirmatively establish that they will not have to earn a living.

5. PAUPERS, PROFESSIONAL BEGGARS, AND VAGRANTS

a. The law today and its historical background

Section 3 of the 1917 act excludes those aliens who are paupers, professional beggars, and vagrants.[59]

The first prohibition of this nature appeared in the act of March 3, 1891,[60] which excluded "paupers" and "persons likely to become a public charge."

The next Immigration Act added to excludable persons "professional beggars."

In 1917 "vagrants" were included and section 3 of the law today, excludes "paupers; professional beggars; vagrants;" and "persons likely to become a public charge."

b. Background of pauper clause

Factual material on the economic exclusion clauses is practically nonexistent, but the following excerpt from the Report of the Immigration Commission of 1907–11, throws some light on the reasons for inclusion of "paupers; professional beggars; vagrants," in the list of excludable classes:

> In the earlier days of unregulated immigration pauperism among newly admitted immigrants was one of the most serious phases of the immigration problem. In New York, Massachusetts, and other States which received immigrants in large numbers, the care of those who either were paupers on arrival or became paupers soon afterward so taxed the public resources that various attempts were made to levy a duty on arriving immigrants for the purpose of supporting the large number of those who became charges upon the public. It is recorded that in some cases a considerable part of the immigrants arriving on a ship would be so destitute of means of support that it was necessary to transport them immediately to almshouses, and the earlier poorhouse records show that there were constantly being cared for, large numbers of newly arrived foreign-born. At the present time (1911), however, pauperism among newly admitted immigrants is relatively at a minimum, owing to the fact that the present immigration law provides for the admission only of the able-bodied, or dependents whose support by relatives is assured.
>
> The number of those admitted who receive assistance from organized charity in cities is relatively small. In the Commission's investigation, which covered the activities of the associated charities in 43 cities, including practically all the larger immigrant centers except New York, it was found that a small percentage of the cases represented immigrants who had been in the United States 3 years or more. This investigation was conducted during the winter of 1908–09 before industrial activities had been fully resumed following the financial depression of 1907–08,

[59] 39 Stat. 874; 8 U. S. C. 136 (b).
[60] 26 Stat. 1084, sec. 1.

and this inquiry showed that the recent immigrants, even in cities in times of relative industrial inactivity, did not seek charitable assistance in any considerable numbers. Undoubtedly, conditions would have been otherwise had it not been for the large outward movements of recent immigrants following the depression, but however, that may be, it is certain that those who remained were for the most part self-supporting.[61]

c. Statistics

Statistics are available on the number of aliens who have been excluded on the ground that they belonged to one of the economically excludable classes, but not on the number deported. The relatively small number of aliens excluded would seem to indicate that this group of aliens is no longer the problem that it was during the early days of immigration.[62]

Statistical material is available on the number of persons likely to become public charges, both those excluded and deported.[63]

The greater number in this category is perhaps an indication that the term "likely to become a public charge" is more widely used than the others.

d. Conclusion

It is the opinion of the subcommittee that since aliens who are either paupers, professional beggars, or vagrants contribute nothing to the welfare or well-being of the country, and since they must be supported at public expense, that the exclusion and deportation provisions of the law applicable to them should be retained.

6. PERSONS LIKELY TO BECOME PUBLIC CHARGES

a. Law today and historical background

This class of aliens was first made excludable by the Immigration Act of August 3, 1882, which forbade the landing of an alien "unable to take care of himself or herself without becoming a public charge." [64] The act of 1891 defined this class of immigrants as "paupers or persons likely to become a public charge." [65] In the next three immigration acts, the term "paupers" was separated from the "public charge" phrase by a semicolon, so that the acts read: "paupers; persons likely to become a public charge; * * *." [66] In the 1917 act, the term "likely to become a public charge" is separated from the economically excludable groups of paupers, professional beggars, and vagrants, and is placed between "contract laborers" and "persons previously deported." This was done intentionally by the Congress in order to overcome court interpretations of the term, which were not in conformity with its intent.

The Act of 1917 also bars "all children under 16 years of age, unaccompanied or not coming to one or both of their parents, except that any such children may, in the discretion of the Attorney General, be admitted if in his opinion they are not likely to become a public charge and are otherwise eligible."

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[61] U. S. Senate, Abstracts of Reports of the Immigration Commission, Document 747, 61st Cong., 3d sess., vol. 1, pp. 35-36 (1911).
[62] See appendix XI, table 3, p. 871.
[63] See appendix XI, table 3, p. 871, and table 7, p. 877.
[64] 22 Stat. 214, sec. 2.
[65] 26 Stat. 1084, sec. 1.
[66] 32 Stat. 1213, sec. 2; 34 Stat. 898, sec. 2; 36 Stat. 263, secs. 1 and 2.

b. Exceptions to the exclusion of "LPC's" and children under 16

Section 21 of the act provides that aliens who are likely to become public charges may be admitted in the discretion of the Attorney General upon the giving of a suitable bond or undertaking as he may prescribe. The admission of the alien is consideration for the giving of the bond. Regulations of the Immigration Service state that the giving of bond, the depositing of cash or a postal money order in the same amount and for the same purposes and subject to the same conditions as the bond, will enable an alien who is likely to become a public charge to be admitted at the discretion of the officer in charge of the port of entry, if the alien is otherwise admissible.[67]

Excludable children under 16, who are otherwise admissible, may be admitted on primary examination of the immigration officer, if he is satisfied that they are in good mental and physical condition and are going to near relatives who are able and willing to support and care for them.[68]

c. Procedure

Immigrants in applying for visas must state to the consular official issuing the visa that they are not members of any of the classes of aliens excluded from admission to the United States.[69]

An affidavit executed by a responsible individual in this country usually is satisfactory evidence that the alien is not likely to become a public charge. Usually, no investigation is made of the individual making the affidavit, but attached to it are such documents as a statement of the affiant's bank account and copies of his income-tax returns.

An affidavit of support, at most, appears to be merely a moral obligation upon the affiant, and the Government apparently could not recover from the affiant on the strength of the document since there is no contractual obligation involved. The Government is not a party to the transaction, but, rather, the affidavit is a promise running from the affiant to the applicant. The consular officer has before him only the affidavit, and there is no way to determine for how many persons an individual may have pledged his responsibility.

It seems apparent, therefore, that the consular officer has little information to guide him in the determination of whether an alien is likely to become a public charge. An official of the Visa Division pointed out that the amount of money which an alien has is also not necessarily a criterion, since an alien who has only $300 might have a brother in the United States with a large home where he may stay, as well as the ability to support himself; while on the other hand another alien might have a million dollars, but because he is a professional gambler his fund would not guarantee his support.

d. Definition

Decisions of the courts have given varied definitions of the phrase "likely to become a public charge." In a decision handed down in 1915, the Supreme Court [70] held that the term was to be read as generically similar to the terms mentioned before and after it in the

[67] 8 CFR 110.20.
[68] 8 CFR 110.48.
[69] 43 Stat. 153, 156, sec. 7.
[70] *Geglow* v. *Uhl*, 239 U. S. 3 (1915).

act of 1907, as amended by the act of 1910, namely, "paupers" and "professional beggars" and other excludable persons, such as idiots, persons dangerously diseased, persons with mental or physical defects, convicted felons, prostitutes, and so forth.

As a result of that decision, the term "persons likely to become a public charge" was changed in the act of 1917 "to overcome recent decisions of the courts limiting the meaning of the description of the excluded class because of its position between other descriptions conceived to be of the same general and generical nature.[71]

In the present law, the phrase is placed between "contract laborers" and "persons previously deported." [72]

It has been held that the mere possibility that an alien was likely to end in jail was not sufficient to support classification in this category.[73] The remote and conjectural possibility that an alien might be sued was also rejected by the Court.[74] The fact that an alien had confessed to a crime punishable by imprisonment in a Federal prison and was actually in prison was held sufficient to support the allegation that he was likely to become a public charge.[75]

The financial status of an alien, although not the only criterion, has been considered along with other elements. Thus, an alien who owned a business in this country was held not to be deportable under the "public charge" provision, even though he was unable to read English or any other language.[76] An illiterate widow of 70 with only $100 in hand and $1,000 in postal savings in Italy, and with no one obligated to support her, was excluded as likely to become a public charge.[77]

An alien's physical condition as it related to his ability and capacity for employment was considered,[78] and the fact that an alien's passage to this country had been paid by another has been considered evidence, although not necessarily conclusive evidence, of the alien's ability to care for himself.[79]

It has been held that children are not excludable as likely to become public charges merely because their parents are apt to die.[80] It has also been held that, where unaccompanied children were destined to homes of relatives who were financially well off and were willing to care for them, the "public charge" clause had been properly waived.[81]

The burden of proving that one is not liable to deportation under the "public charge" clause in each case rests upon the alien.[82]

e. Statistics

While fewer persons have been excluded in recent years than previously as likely to become public charges, the number of those deported as likely to become public charges has risen. Deportations in this category are but a small percent of the total deportations.[83]

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[71] S. Rept. 352, 64th Cong., p. 5.
[72] 8 U. S. C. 134 (h), (l), and (j).
[73] *United States ex rel. Iorio* v. *Day*, 34 F. (2d) 920 (1929).
[74] *Ex parte* Mitchell, 256 F. 229 (1919).
[75] *United States ex rel. Medich* v. *Burmaster*, 24 F. (2d) 57 (1928).
[76] *Gabriel* v. *Johnson*, 20 F. (2d) 347 (1928).
[77] *United States ex rel. Minuto* v. *Reimer*, 83 F. (2d) 166 (1936).
[78] *Ex rel. Turner et al.*, 10 F. (2d) 816 (1926).
[79] *In re O'Sullivan and 71 Other Irish Immigrants*, 31 F. 447 (1887).
[80] *United States ex rel. Duner et al.* v. *Curran*, 10 F. (2d) 38 (1925).
[81] *United States ex rel. de Sousa* v. *Day*, 22 F. (2d) 472 (1927); *United States ex rel. Berman et al.* v. *Curran*, 13 F. (2d) 96 (1926).
[82] *Cunciamilla* v. *Haff*, 64 F. (2d) 875 (1933).
[83] For details on exclusions and deportations on the ground that persons are likely to become a public charge, see appendix XI, table 3, p. 871, table 5, p. 873, and table 7, p. 877.

f. Conclusions and recommendations

There are two main problems involved in carrying out the provisions of the law: (1) how to determine who is likely to become a public charge, and (2) how to find a better way of meeting the purpose for which the affidavits of support are executed in an alien's behalf.

As there is no definition of the term "likely to become a public charge" in the statutes, its meaning has been left to the interpretation of the administrative officials and the courts. It has been characterized as a "catch-all for cases perhaps not otherwise deportable." [84]

A memorandum issued from an American embassy stated that policy in this category has been modified many times, mostly in the direction of softening of the rules. According to the memorandum, the Department of State "has apparently never seen fit to establish any definite criteria" and "different consuls, even in close proximity with one another, have enforced standards highly inconsistent with one another. This is inequitable and can lead to political repercussions."

The American consulate at Florence, Italy, has stated that it believes specific guaranties of support should be required by law rather than "worthless" affidavits of support. This same idea has been suggested by others. In a report to the subcommittee by the American consulate at Alexandria, Egypt, it is stated that an alien may reapply for admission into the United States with "new" or "dressed up" affidavits from the old sponsors, thus retaining his original place on the quota list. The consulate suggested that the applicants are always given sufficient time to obtain sponsors before their cases are finally decided; and, for that reason, "No injustice would be done to * * * applicants if they were given final formal refusals and were not granted the privilege upon reapplication with additional affidavits to be reinstated as of the date of their original registration. They should instead be registered as of their reapplication date."

An immigration inspector at Salt Lake City stated that elderly parents of United States citizens are often able to qualify for old-age assistance after only a few years' residence in the country and thus are supported at taxpayers' expense for the rest of their lives when they have contributed little or nothing in the way of taxes or productivity. He asserted that such a situation is unjust and could be overcome by allowing such persons to be admitted only under the "public charge" bonds required of aliens likely to become public charges who are admitted in the discretion of the Attorney General.

The subcommittee recommends that the clause excluding persons likely to become public charges should be retained in the law. Since the elements constituting likelihood of becoming a public charge are varied, there should be no attempt to define the term in the law, but rather to establish the specific qualification that the determination of whether an alien falls into that category rests within the discretion of the consular officers or the Commissioner.

It is further recommended that the procedure whereby affidavits of support are given by third parties to the American consular officials overseas should be abandoned altogether. In lieu thereof, it is recommended that, where the admissibility of an alien is questionable as one likely to become a public charge, the consular officer deny the

[84] Clark, Deportation of Aliens, p. 104.

issuance of a visa unless he is in receipt of notice from the Commissioner that a suitable bond or other undertaking has been given which provides a proper idemnity in case the alien becomes a public charge after entry.

7. CRIMES INVOLVING MORAL TURPITUDE

a. The law and historical background

One of the most difficult problems under section 3 of the 1917 act is the exclusion of "persons who have been convicted of or admit having committed a felony or other crime or misdemeanor involving moral turpitude."

The first law for the exclusion of aliens with criminal records was the act of March 3, 1875, which barred "persons who are undergoing a sentence for conviction in their own country of felonious crimes other than political or growing out of or the result of such political offenses, or whose sentence has been remitted on condition of their emigration * * *".[85] The act of August 3, 1882,[86] excluded all "convicts." Persons convicted of political offenses were not, however, subject to deportation.

The term "moral turpitude" first appeared in the act of March 3, 1891.[87] The term "convicts" was replaced by "persons who have been convicted of a felony or other infamous crime or misdemeanor involving moral turpitude." Exempted were "persons convicted of a political offense, notwithstanding said political offense may be designated as a 'felony, crime, infamous crime, or misdemeanor, involving moral turpitude' by the laws of the land whence he came or by the court convicting."

The General Immigration Act of March 3, 1903,[88] changed the phraseology by leaving out the words "or other infamous crime."

In the act of February 20, 1907, the clause was changed again, so that not only those who had been convicted but also persons who admitted the commission of a crime were excluded.[89] The acts of March 26, 1910,[90] and of 1917 left that clause unchanged.

b. Conviction for or admission of a crime

It is obvious from the wording of the clause that an alien must either (1) have been convicted of a crime or (2) admit that he has committed a crime which involved moral turpitude. The difficulty comes in the interpretation of the words involved.

It has been held that "it is not enough that the evidence shows that the immigrant has committed such a crime, the record must show that he was convicted of the crime." [91] This same court stated some of the fundamentals in the cases pertaining to crimes of aliens involving moral turpitude as follows: "Immigration officers act in an administrative capacity. They do not act as judges of the facts to determine from the testimony in each case whether the crime of which the immigrant is convicted does or does not involve moral turpitude. * * *" "This question must be determined from the judgment of conviction and not from the testimony adduced at the

[85] 18 Stat. 477, sec. 5.
[86] 22 Stat. 214.
[87] 26 Stat. 1084.
[88] 32 Stat. 1213.
[89] 34 Stat. 898.
[90] 36 Stat. 263.
[91] *United States ex rel. Mylius* v. *Uhl*, 210 Fed. 860, 861 (C. C. A. 2d, 1914).

trial. * * *" "The law must be administered upon broad general lines and if a crime does not in its essence involve moral turpitude, a person found guilty of such crime cannot be excluded because he is shown, aliunde the record, to be a depraved person." [92]

c. Definition

The two decisive words in the clause are "moral turpitude." The line of demarcation between excludable and nonexcludable crimes lies in the definition of "moral turpitude."

An official of the Immigration and Naturalization Service explained that the determination of whether or not a crime involves moral turpitude is based on the standards of what constitutes moral turpitude in the United States. Whether or not a crime has been committed depends upon the laws of the country in which the offense occurred. Thus, if the offense committed is classed as a crime in the United States but not in the country of commission, then the alien is not subject to the exclusion provision. If, however, the offense is recognized as a crime in the country of origin, then the additional determination of whether or not it involves moral turpitude is made according to our standards, even though the crime might not be considered as one involving moral turpitude in the country of origin.

The Attorney General has stated that the term "moral turpitude" is to be judged by United States standards "as those standards have been announced in the decisions of our courts. * * * According to those standards any crime which involves an act intrinsically and morally wrong and 'malum in se,' or an act done contrary to justice, honesty, principle, or good morals, is a crime involving moral turpitude." [93] In another opinion he stated that the question whether the crime involved moral turpitude, "is to be determined according to its inherent nature and the standards prevailing in the United States." [94]

The term "moral turpitude" has not been definitely and conclusively defined by the courts. One decision held that "moral turpitude" is a vague term, its meaning being dependent to some extent upon the state of public morals. A definition sufficiently accurate for that case, however, was this:

> "An act of baseness, vileness, or depravity, in the private and social duties which a man owes to his fellow man or to society." (20 Am. and Eng. Ency. of L. 872.)
>
> And, adapting this, we may say that a crime involves moral turpitude when its nature is such that it manifests upon the part of its perpetrator personal depravity or baseness.[95]

Courts on the whole have defined "moral turpitude" by classing specific crimes within or without this category. Assault with intent to kill[96] or assault with intent to rob[97] have been held to be crimes involving moral turpitude, whereas assault and battery has been determined not to involve moral turpitude.[98]

A few of the other crimes which have been adjudged to involve moral turpitude are embezzlement,[99] forgery,[1] larceny,[2] manslaughter,[3]

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[92] Ibid. at 863.
[93] 39 Op. Atty. Gen. 95, at p. 98.
[94] 39 Op. Atty. Gen. 215, at 220.
[95] *U. S. ex rel. Mylius* v. *Uhl* (1913), 203 Fed. 152, 154.
[96] *U. S. ex rel. Shladzien* v. *Warden of Eastern State Penitentiary et al.*: 45 F. (2d) 204 (1930).
[97] *U. S. ex rel. Rizzio* v. *Kenney*, 50 F. (2d) 418 (1931).
[98] *Ciambelli ex rel. Maranci* v. *Johnson*, 12 F. (2d) 465 (1926).
[99] *United States ex rel. Schreiber* v. *Reimer*, 19 F. Supp. 719 (1937).
[1] *Ponzi* v. *Ward*, 7 F. Supp. 736 (1934).
[2] Id.
[3] *Pillias* v. *Smith*; 46 F. (2d) 769 (1931).

and perjury.[4] Among the crimes adjudged as not involving moral turpitude are failure of an alien to pay his ship fare [5] and carrying a concealed weapon.[6]

d. Interpretation of "or admit having committed"

If there has been a conviction, there is little trouble in determining the crime, although there may be difficulty in deciding whether it involves moral turpitude. If there is no conviction and the alien admits commission of a crime, it then is the duty of the appropriate authorities to determine whether it involves moral turpitude. This determination requires knowing what are crimes in the alien's native land, as well as the nature of such crimes in the United States.

Furthermore, as pointed out by an official of the Immigration and Naturalization Service, "the alien cannot admit facts from which you may infer that a crime has been committed." He must admit the commission of the crime. The courts have also interpreted the phrase "or admit having committed," and in a recent case it was held that—

> Admissions of extensive legal conclusions * * * made under pressure of an insistent cross-examination through an interpreter cannot constitute an admission of "having committed a felony or other crime or misdemeanor involving moral turpitude" * * * if the facts testified to show an absence of any crime. It has been held that the admission must be "explicit and voluntary." [7]

An earlier decision held that the admission of the crime must be definite, not merely admission of acts from which the crime might be detected. The question is not whether the alien "has committed, but whether he has admitted the commission" of the crime.[8]

In another case the court said:

> We are of the opinion that Congress, by the enactment of this provision, has required the alien's own admission of guilt as proof of the commission of this class of crimes, and has deprived the immigration authorities of the right to try the question of guilt; that the statute contemplates a voluntary admission; and that evidence of facts stated by the alien from which an inference of his guilt might be inferred is not competent.[9]

In another decision the court stated, however, that the provision was "intended as a limitation upon the power of the immigration authorities. It deprives them of the right to try the question of guilt at all. So it is a privilege to aliens because it insures them against any such trial. This privilege is entirely taken away if an admission may be rested upon presumptions arising from the alien's refusing to answer questions on the subject when under examination. I think the act contemplates an explicit and voluntary admission." [10]

e. Statistics

The number of aliens excluded as criminals has increased in the last few years, but the total number of aliens excluded has increased in greater proportion, with the result that a smaller and smaller percentage are excluded on the ground that they are criminals.[11]

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[4] *U. S. ex rel. Carella* v. *Karnuth;* 2 F. Supp. 908 (1933).
[5] *U. S. ex rel. Fontan* v. *Uhl;* 16 F. Supp. 128 (1936).
[6] *U. S. ex rel. Andreachhi* v. *Curran;* 38 F. (2d) 498 (1926).
[7] *U. S. ex rel. Jelic* v. *District Director of Immigration and Naturalization, Ellis Island, New York Harbor,* 106 F. (2d) 14, 18 (1939).
[8] *Ex parte Rocha,* 30 F. (2d) 823 or 825 (D. C., S. D. Texas, 1929).
[9] *Howes* v. *Tozer,* 3 F. (2d) 849, 852 (C. C. A. 1st, 1925).
[10] *U. S. ex rel. Castro* v. *Williams,* 203 F. 155, 157 (D. C., S. D. N. Y., 1913).
[11] Appendix XI, tables 3 and 4, pp. 871, 872, give the numbers of persons excluded from the United States by cause and by national origin.

The number of aliens deported as criminals has declined in recent years, while the over-all number of aliens deported has increased.[12]

f. Conclusions and recommendations

The subcommittee received many suggestions on this subject, most of them dealing with the terms "moral turpitude" and "admission of crime."

It was argued that the term "moral turpitude" is too broad, and that section 3 of the 1917 act should be made to conform with the deportation section of the same act, which requires conviction and a sentence of 1 year or more for deportation.

The American consul at Marseille, France, stated that while the visa instructions define moral turpitude as an act which in itself is one of baseness, vileness, or depravity, the applicability of the excluding provision often depends on what the individual officer considers to be baseness, vileness, or depravity. He suggested that there be a listing of crimes and circumstances comprehended within the meaning of moral turpitude.

An immigration inspector voiced similar objections citing instances where the purpose of the law had been ignored by including petty crimes, such as theft of a newspaper. He suggested a statute of limitations on petty crimes as far as immigration considerations are concerned.

An immigration official, on the other hand, expressed satisfaction with the law, stating—

> If the premise of the Congress that its purpose is to keep out the criminally inclined is so, I think the test of the statute as now written is as good as any that can be inserted in any law.

Other officials of the Immigration and Naturalization Service pointed out that the courts have defined many classes which fall within the definition of that phrase. It was suggested that, although it might be desirable to have the crimes specifically set forth, difficulties might be encountered in getting a phrase that would be broad enough to cover the various crimes contemplated within the law and yet easier to comprehend than the present phrase.

Consular and Immigration Service officials have also questioned the usefulness of the words "admission of crime." One consul stated that the phrase is "a penalty on legal ignorance," while the Chairman of the Board of Immigration Appeals termed the phrase "unworkable."

An immigration attorney asserted that the "admission" clause—

> requires an inquisition, a criminal trial of the alien in an administrative case, and a thorough exploration of foreign criminal law which are all generally beyond the desirable scope of an exclusion case.

It is the recommendation of the subcommittee that the exclusion clause pertaining to crimes involving moral turpitude should be modified to exclude aliens who have been convicted of a crime involving moral turpitude, or aliens who admit committing acts which constitute the essential elements of such a crime, or aliens whose admissions are tantamount to a confession of such a crime. The principal purpose of the change is to overcome the situation which exists under the present law where an alien admits facts in an examination which

[12] Appendix XI, tables 5, 6, and 7, pp. 873–879, give the number of persons deported by cause and by countries to which deported.

clearly indicate commission of such a crime, but does not actually "admit having committed" such a crime as required by the law.

The subcommittee recommends also that this exclusion provision be made inapplicable to an alien who has committed only one such crime while under 18 years of age if the crime occurred more than 5 years prior to the date of application for visa or if the crime resulted in confinement in a prison or correctional institution and such alien was released from confinement more than 5 years prior to the date of application for visa.

Aliens who have been convicted of two or more crimes for which the aggregate possible confinement was more than 1 year are made excludable regardless of whether the crimes involved moral turpitude.

8. DRAFT EVADERS OR AVOIDERS

a. Law today and historical background

The only amendment to add a new class of excludable aliens to section 3 of the 1917 act was passed in 1944.[13] This amendment is aimed at alien draft evaders, and bars—

> persons who have departed from the jurisdiction of the United States for the purpose of evading or avoiding training or service in the Armed Forces of the United States during a period declared by the President to be a period of national emergency.[14]

The new class of excludables was added to prevent resident aliens from leaving the country to avoid or evade the draft during the war and, after the cessation of hostilities, return to the United States without having done anything to preserve and insure its safety. The House report [15] which accompanied the bill (H. R. 4257) stated that in the early part of the war many resident aliens left the country by crossing the border into Mexico.

b. Statistics

There are no statistics available on the number of aliens deported from the country on the ground that they were former resident aliens who left the country during the war to avoid or evade the draft.

There are, however, figures available to show the number of such aliens who have been excluded. The number has not been large in comparison with the number of aliens excluded for other causes. A total of 168 aliens have been excluded since enactment of the provision.[16]

c. Conclusion

The subcommittee finds that the clause pertaining to draft dodgers should be retained in the law. Aliens who enter the country as immigrants should do so with the fixed intention of acquiring citizenship, and should, therefore, be willing to assume the responsibilities as well as the benefits of citizenship.

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[13] 58 Stat. 746.
[14] Id.
[15] U. S. House of Representatives, Rept. No. 1229, 78th Cong., 2d sess.
[16] For the distribution of excluded aliens in this category from 1945 to 1948, see appendix XI, table 3, p. 871.

9. IMMORAL ALIENS

a. Law and historical background

Section 3 of the Immigration Act of 1917 also excludes aliens who are not acceptable on moral grounds:

> polygamists, or persons who practice polygamy or believe in or advocate the practice of polygamy; * * * prostitutes, or persons coming into the United States for the purpose of prostitution or for any other immoral purpose; persons who directly or indirectly procure or attempt to procure or import prostitutes or persons for the purpose of prostitution or for any other immoral purpose; persons who are supported by or receive in whole or in part the proceeds of prostitution.

Section 4 of the act makes it a felony to import women for any immoral purpose and imposes a fine and imprisonment for violation. The section provides further, that any alien excluded or deported in pursuance of the provisions of the act relating to immoral persons who attempts to enter the United States shall be deemed guilty of a misdemeanor and subject to imprisonment for a term of not more than 2 years.

The barring of immigrants on moral grounds was among the very first exclusion clauses. The act of March 3, 1875,[17] forbade the importation of prostitutes, all contracts and agreements in relation thereto were declared void, and all persons who knowingly and willfully imported, or attempted to hold any alien for such purposes in pursuance of such illegal importation, contract, or agreement were declared to be guilty of a felony punishable by fine and imprisonment. Section 5 of the same act excluded women imported for the purposes of prostitution.

The act of March 3, 1891,[18] added "polygamists."

In the Immigration Act of March 3, 1903,[19] the list of excludable aliens was enlarged, to include: polygamists, prostitutes, and persons who procure or attempt to bring in prostitutes or women for the purpose of prostitution. This act amplified the exclusion section by making the importation or attempt to import women into the United States for the purpose of prostitution, or the holding or attempt to hold them for that purpose a felony, and as in the earlier statute a fine and imprisonment penalty were imposed.

The act of 1907 [20] excluded "polygamists, or persons who admit their belief in the practice of polygamy, * * * prostitutes, or women or girls coming into the United States for the purpose of prostitution or for any other immoral purpose; persons who procure or attempt to bring in prostitutes or women or girls for the purpose of prostitution or for any other immoral purpose." The act of March 26, 1910,[21] added persons who are supported by or receive in whole or in part the proceeds of prostitution.

b. Reasons for immoral exclusion clauses

The Immigration Commission of 1907–11 included in its report a complete account of the problems raised by the immigration or procuring of women for purposes of prostitution and other immoral purposes,[22] but included no discussion of the problem of polygamy.

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[17] 18 Stat. 477.
[18] 26 Stat. 1084.
[19] 32 Stat. 1213.
[20] 34 Stat. 898.
[21] 36 Stat. 263.
[22] Immigration Commission, Abstracts of Reports of the United States Immigration Commission (S. Doc. No. 747, 61st Cong., 3d sess., vol. II, pp. 320–350).

Prostitution in the early period of immigration to this country presented a vile and vicious situation. Many of the prostitutes were innocent girls induced to follow the practice by persons who lived off the proceeds of prostitution. The Commission found that it was almost impossible for many of these girls to escape, because the police in numerous cities were involved. Particularly serious was the spreading of venereal disease which resulted from the extension of prostitution. The Commission stated:

> The importation of women for immoral purposes, commonly known as the white slave traffic, disclosed the fact that this business is regularly carried on between some European countries and the United States. There is a considerable movement of prostitutes to this country, but the most serious phase of the situation is the traffic in women and girls through both male and female procurers who make a regular business of importing alien women for houses of prostitution, as well as for the large number of foreign-born pimps who control these women and live upon the proceeds of their prostitution.

c. Decisions of courts

The courts have held that prior conviction under a law prohibiting prostitution or any act in connection with it is not necessary before an alien may be deported.[23] While the exclusion clauses pertaining to the various classes of immoral aliens have differed over the years, the difference has been in their completeness and inclusiveness, rather than in their substance. For this reason, court decisions on the earlier immigration acts are pertinent to this study, as well as those under the present act.

Intent of the parties has been considered of utmost importance in determining the applicability of the exclusion and deportation sections of the immigration laws to them. A case which arose under the act of 1910, but which would probably be decided in the same manner today, involved an alien girl who came to this country with an older man who had told her that a marriage ceremony was not essential to a valid marriage in this country. She lived with him as his wife until she found this statement to be untrue. Upon his refusal to marry her when she so requested, she left him and brought and won a suit for breach of promise. The court found that she was not subject to exclusion since her intent, at the time of entry, had not been to be a prostitute or to live immorally with another.[24]

A similar case involved a common-law marriage between an American citizen and an alien woman in California, which did not recognize the validity of such marriages. The parties lived together as man and wife both in California and Washington, and then went to Canada, where they also cohabited as man and wife. The right of the woman to reenter the United States was questioned. The court held that the intent of the parties must govern and that they had not intended to live immorally, but had honestly believed that they were man and wife. The court found that there was no intention on their part to carry on immoral relations in the future and readmitted them to residence in the United States.[25]

It has been held, however, that an alien need not be or have the intention of being a prostitute at the time of entry, in order to be subject to deportation proceedings should she later become a prostitute.[26]

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[23] *Lewis* v. *Frick*, 233 U. S. 291 (1914); *Ex parte Pouliot et al.*, 196 F. 437 (1912).
[24] *U. S.* v. *Martin*, 193 Fed. 795 (1912).
[25] Ex parte Morel, 292 F. 423 (1923).
[26] Ex parte Pouliot, supra.

The opinion in the case of *U. S.* v. *Bitty* [27] is significant in view of the interpretation given the same words of the exclusion clause by a later court. The decision in this case turns on the interpretation of the words "or for any other immoral purpose" which followed the word "prostitution" in the exclusion clause in the Immigration Act of 1903. The Court held that:

> full effect must be given to the intention of Congress as gathered from the words of the statute * * *. Now the addition in the last statute of the words, "or for any other immoral purpose," after the word "prostitution," must have been made for some practical object. Those added words show beyond question that Congress had in view the protection of society against another class of alien women other than those who might be brought here merely for purposes of "prostitution." In forbidding the importation of alien women "for any other immoral purpose," Congress evidently thought that there were purposes in connection with the importations of alien women which, as in the case of importations for prostitution, were to be deemed immoral. It may be admitted that in accordance with the familiar rule of ejusdem generis, the immoral purpose referred to by the words "any other immoral purpose," must be one of the same general class or kind as the particular purpose of "prostitution" specified in the same clause of the statute. * * * But that rule cannot avail the accused in this case; for, the immoral purpose charged in the indictment is of the same general class or kind as the one that controls in the importation of an alien woman for the purpose strictly of prostitution. * * * The statute in question, it must be remembered, was intended to keep out of this country immigrants whose permanent residence here would not be desirable or for the common good, and we cannot suppose either that Congress intended to exempt from the operation of the statute the importation of an alien woman brought here only that she might live in a state of concubinage with the man importing her, or that it did not regard such an importation as being for an immoral purpose.

The interpretation of the intent of Congress in the Bitty decision was reversed by a decision on the identical language of the 1917 act [28] which held that the "principle of ejusdem generis limits the connotation of the words 'any other immoral purpose' to such as are of like character with prostitution * * * and extra-marital relations, short of concubinage, fall short of that description." The case involved an alien woman, who, over a period of years, had carried on sexual relations with a married American citizen. They traveled abroad as man and wife and were apprehended upon their attempt to reenter the country. The woman admitted that she intended to carry on sexual relations with the man, but claimed that the exclusion section did not apply to her as she was entering the country to carry on her occupation as a domestic, and was not and had no intention of becoming a prostitute. The Court decided that "if the purpose of the journey is not sexual intercourse, though that be contemplated, the statute is not violated * * *. So here, by the language of the act, the purpose of the entry is made controlling. And we think it plain that in no proper sense may the entry of the petitioner be said to have been for the purpose of immoral sexual relations."

In view of the earlier decision the dissenting opinion is particularly interesting:

> And there is nothing * * * to support the idea that Congress intended to keep out only those coming exclusively for the purposes referred to and to admit prostitutes, concubines and the like intending to follow legitimate occupation while practicing, incidentally or otherwise, any of the immoralities covered by the statute. Indeed, the court's opinion implies that if concubinage were her principal or primary purpose she ought to be excluded even though she intended

[27] 208 U. S. 393 (1907).
[28] *Hansen* v. *Haff*, 291 U. S. 559 (1933).

regularly to pursue her work as a domestic. The making of exclusion to depend upon the determination whether the immoral purpose is dominant or subordinate goes far to strike down the statute by making its enforcement difficult and in many cases practically impossible. Congress undoubtedly intended to exclude those who entertain a purpose here to practice prostitution or immorality of that sort.[29]

d. Statistics

The Immigration Service compiles figures on the number of aliens excluded and deported [30] from the country on moral grounds. Very few aliens are excluded as being in that class. The number has grown smaller since the war as has the percentage of the total number excluded.

e. Conclusions and recommendations

It is the finding of the subcommittee that clauses pertaining to the exclusion of immoral aliens are necessary, and while the statistics indicate that these excludable classes no longer present a serious problem, it is believed that should they be eliminated the problem would again become as large as it was in the latter half of the last century.

It is the recommendation of the subcommittee, however, that the excludable classes of immoral aliens should be enlarged to include persons who have practiced prostitution or who have procured or attempted to procure or to import prostitutes or other persons for immoral purposes, as well as those who are so engaged at the time of entry as provided in the law at present. This excludable class should include persons who seek to enter the United States to engage in any illicit sexual act or other immoral act, whether that purpose be the sole, principal, or incidental purpose of their entry. This latter provision will overcome the decision of the Supreme Court in *Hansen* v. *Haff*.

10. CONTRACT LABORERS

a. The law today and its historical background

Section 3 of the 1917 Immigration Act provides for the exclusion from the United States of all—

> persons hereinafter called contract laborers, who have been induced, assisted, encouraged, or solicited to migrate to this country by offers or promises of employment, whether such offers or promises are true or false, or in consequence of agreements, oral, written or printed, express or implied, to perform labor in this country of any kind, skilled or unskilled; persons who have come in consequence of advertisements for laborers printed, published, or distributed in a foreign country.[31]

While this clause would appear to prohibit the immigration of all alien contract laborers, it is tempered by four provisos which permit the entry of certain laborers under specified conditions.

There has been considerable legislation on the subject of contract labor. The act of February 26, 1885,[32] excluded contract labor of any kind; invalidated all contracts or agreements, parole or special, express or implied, made previous to the importation or migration of such labor; provided strict penal provisions for violations; and con-

[29] Op. cit., p. 566.
[30] Appendix XI, tables 3 and 4, pp. 871, 872, give the numbers of persons excluded from the United States by cause and by national origin. Tables 5, 6, and 7, pp. 873, 879, give the number of persons deported by cause and by countries to which deported.
[31] 39 Stat. 874.
[32] 23 Stat. 332.

tained certain provisos permitting the entry of such laborers under specified conditions.

The primary purpose of the contract labor clauses was to exclude aliens who would be in competition with laborers already in the country. The provisos to the exclusion provisions permitted the entry of skilled labor, when labor of like kind could not be found in this country, and allowed professional actors and artists to enter, apparently on the theory that they were unique in their fields and thus would provide no competition to those already in the country. Domestic servants and persons employed strictly as personal servants were also excepted.

The act of March 3, 1891,[33] amended the 1885 act only slightly by allowing the entry of "ministers of any religious denomination * * * persons belonging to any recognized profession," and "professors for colleges and seminaries." The Immigration Act of February 20, 1907 [34] combined all of the provisions of the preceding acts pertaining to contract labor, as did the act of March 26, 1910.[35]

The Immigration Act of 1917 eliminated from the exception contained in the fourth proviso "personal servants" but continued the exception relating to "domestic servants." It also modified the excluding clause to make it applicable to offers or promises of employment inducing immigration, whether such offers or promises are true or false, in order to exclude persons "who have been induced to migrate by false offers or promises, often with a view to their exploitation." [36]

The contract labor exclusion clause of section 3 of the 1917 Immigration Act, is supplemented by section 5 of the same act, which makes it unlawful for any person, company, partnership, or corporation to prepay the transportation or to induce in any manner whatsoever, the importation or migration of any contract laborers into the United States, unless such contract laborers are exempted under the fifth proviso of section 3 of the act, or have been imported with the permission of the Attorney General in accordance with the fourth proviso of said section. Penal provisions for violation of the section are included.

Similar provisions prohibiting the prepayment of transportation or assisting the importation of contract laborers were contained in the Immigration Acts of February 26, 1885,[37] and March 3, 1891.[38]

Under the Immigration Act of March 3, 1903,[39] any person whose ticket or passage was paid for with the money of another or who was assisted by others to come was excluded unless it could be affirmatively and satisfactorily shown that such person did not belong to one of the excluded classes. This, of course, excluded all contract laborers, unless labor of like kind could not be found unemployed in the United States or the alien could bring himself within one of the admissible professional classes. The 1903 act also prohibited advertising to encourage alien labor immigration and contained provisions relating to violations of the excluding section.

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[33] 26 Stat. 1084.
[34] 34 Stat. 898.
[35] 36 Stat. 263.
[36] S. Rept. 352, 64th Cong, p. 4.
[37] 23 Stat. 332.
[38] 26 Stat. 1084.
[39] 32 Stat. 1213.

The Immigration Acts of February 20, 1907,[40] and March 26, 1910,[41] contained virtually the same provisions as the 1903 act.

b. Decisions of the courts

Considerable light has been thrown upon the interpretation of the phrase "contract laborers" by decisions of the courts, the most outstanding of which is the case of *Church of the Holy Trinity* v. *United States*,[42] which placed much emphasis upon the intent of Congress in adopting the contract labor provisions. In that decision, which is still followed today, the Court said:

> Now, the title of this act is, "An act to prohibit the importation and migration of foreigners and aliens under contract or agreement to perform labor in the United States, its Territories and the District of Columbia." Obviously the thought expressed in this reaches only to the work of the manual laborer, as distinguished from that of the professional man. No one reading such a title would suppose that Congress had in its mind any purpose of staying the coming into this country of ministers of the gospel, or, indeed, of any class whose toil is that of the brain. The common understanding of the terms labor and laborers does not include preaching and preachers; and it is to be assumed that words and phrases are used in their ordinary meaning. So whatever of light is thrown upon the statute by the language of the title indicates an exclusion from its penal provisions of all contracts for the employment of ministers, rectors and pastors. * * *
>
> It appears, also, from the petitions, and in the testimony presented before the committees of Congress, that it was this cheap unskilled labor which was making the trouble, and the influx of which Congress sought to prevent. It was never suggested that we had in this country a surplus of brain toilers, and, least of all, that the market for the services of Christian ministers was depressed by foreign competition. Those were matters to which the attention of Congress, or of the people, was not directed. So far, then, as the evil which was sought to be remedied interprets the statute, it also guides to an exclusion of this contract from the penalties of the act.
>
> A singular circumstance, throwing light upon the intent of Congress, is found in this extract from the report of the Senate Committee on Education and Labor, recommending the passage of the bill: "The general facts and considerations which induce the committee to recommend the passage of this bill are set forth in the report of the committee of the House. The committee report the bill back without amendment, although there are certain features thereof which might well be changed or modified, in the hope that the bill may not fail of passage during the present session. Especially would the committee have otherwise recommended amendments, substituting for the expression 'labor and service,' whenever it occurs in the body of the bill, the words 'manual labor' or 'manual service,' as sufficiently broad to accomplish the purposes of the bill, and that such amendments would remove objections which a sharp and perhaps unfriendly criticism may urge to the proposed legislation. The committee, however, believing that the bill in its present form, will be construed as including only those whose labor service is manual in character, and being very desirous that the bill become a law before the adjournment, have reported the bill without change" 6059 Congressional Record, 48th Cong. And, referring back to the report of the committee of the House, there appears this language: "It seeks to restrain and prohibit the immigration or importation of laborers who would have never seen our shores but for the inducements and allurements of men whose only object is to obtain labor at the lowest possible rate, regardless of the social and material well-being of our own citizens and regardless of the evil consequences which result to American laborers from such immigration. This class of immigrants care nothing about our institutions, and in many instances never even heard of them; they are men whose passage is paid by the importers; they come here under contract to labor for a certain number of years; they are ignorant of our social condition, and that they may remain so they are isolated and prevented from coming into contact with Americans. They are generally from the lowest social stratum, and live upon the coarsest food and in hovels of a character before unknown to American workmen. They, as a rule, do not become citizens, and are certainly not a desirable acquisition to the body

[40] 34 Stat. 898.
[41] 36 Stat. 263.
[42] 143 U. S. 457, 1892.

politic. The inevitable tendency of their presence among us is to degrade American labor, and to reduce it to the level of the imported pauper labor" 5359, Congressional Record, 48th Cong.

We find, therefore, that the title of the act, the evil which was intended to be remedied, the circumstances surrounding the appeal to Congress, the reports of the committee of each House, all concur in affirming that the intent of Congress was simply to stay the influx of this cheap unskilled labor.

More recent cases have all been in accord with this early decision upon the subject, placing the emphasis upon the type of work to be done. Thus the term "contract labor" as it is construed today does not embrace mental work of any sort, but only manual labor.[43]

This same interpretation of the contract labor clause was reiterated by an official of the Visa Division of the Department of State who testified that the purpose of the contract labor clause was to prevent aliens from coming here to accept employment in certain categories when the employment should be reserved for citizens or alien residents already here and to prevent a large influx of foreign workers which would depress our wage scales and lower our standards of living.

c. Statistics

Relatively few aliens are excluded and deported as contract laborers. In the fiscal year 1948, only 11 contract laborers and 1 assisted alien were excluded, out of nearly 5,000 excluded persons.[44] The number of deportations that year for contract laborers was only 7 out of more than 20,000 deportees.[45]

d. Conclusions and recommendations

Many varied suggestions have been made by officials of both the State Department and the Immigration and Naturalization Service for improvement of the contract labor clause, ranging from complete repeal to mere clarification of terms.

One consular officer stated that "the contract labor exclusion provisions are now an anachronism and should be done away with entirely or greatly modified." A modification of this view was expressed by another consular officer who suggested that the clause might be changed to prohibit only the entry of groups or considerable numbers of employees by the same employer, pointing out that the contract-labor law was enacted primarily to prevent the importation of large numbers of alien laborers which would depress the wages of American workingmen and that such importation is much less likely to occur under present quota restrictions.

One problem in regard to the operation of the contract labor clause seems outstanding and many suggestions have been made for its solution. It is the problem which involves the conflict between the contract labor clause and the likely-to-become-a-public-charge clause. There has been considerable testimony and comment on the fact that aliens, in their attempt to avoid exclusion on the ground that they are likely to become public charges, will have their sponsors or some friend promise to employ them, thereby subjecting themselves to exclusion on the ground that they are contract laborers.

One consular officer stated that the contract labor clause has outlived its original purpose and suggested that it be amended "to pro-

[43] Ex parte Gouthro, 296 F. 506 (1924); Ex parte Aird, 276 F. 954 (1921); *United States* v. *Union Bank Canada* 262 F. 91 (1919); *Scharrenberg* v. *Dollar S. S. Co.* 229 F. 970 (1916).

[44] Appendix XI, tables 3 and 4, pp. 871, 872, give the numbers of persons excluded from the United States by cause and by national origin.

[45] Tables 5, 6, 7, pp. 873-879, give the number of persons deported by cause and by countries to which deported.

vide that an alien entering * * * to fulfill his part of a bona fide contract negotiated between himself and an individual prospective employer shall, if otherwise admissible, not be inadmissible as a contract laborer, regardless of the alien's occupation." Similarly, another consular officer recommended that the clause be reworded to allow the entry of an alien for contract employment with an individual but not with employment agencies.

A more drastic change was suggested by the American Embassy at Oslo, Norway, that "instead of excluding immigrants because they have secured work in advance they should be refused visas until they can establish beyond a reasonable doubt that they will be able to secure a job." A similar view was expressed by a consular officer.

An immigration inspector expressed the opinion that the contract-labor clause is now outmoded, that it is reasonable to assume that immigrants will and should have employment in order to sustain themselves and their families, and that it is futile to require affidavits of support and yet not permit any arrangement for employment. He suggested that if the economic conditions in the United States in any particular year are unfavorable, the consulates abroad would not issue the normal number of visas as was done in the years immediately following the 1930 depression.

An official of the Visa Division of the Department of State, on the other hand, pointed out that the contract labor clause has been limited to the laborer class, in which there is generally unemployment in the country, and the present provision should, therefore, be retained. He testified that the difficulty in a number of cases has not been that the contract labor clause could not be waived and authorization received to bring in the persons temporarily, but that the interested employers did not want them to come temporarily but as immigrants.

Reports from offices of the Immigration Service throughout the United States have pointed out the same general problems reported by the officials of the consular service.

A suggestion somewhat different from the others was made by an immigration inspector that the law should require aliens to continue in the line of work for which they were admitted for a certain number of years after admission; failure to do so would subject them to deportation. He stated that such a law would not conflict with the provision of the United States Constitution prohibiting involuntary servitude, because such persons apply for admission on certain specified conditions. Since they would be admitted under those conditions and would not be required to continue employment with any particular employer, but only to continue a particular line of work, he did not believe a constitutional question is involved.

It is the belief of the subcommittee that contract labor does not present a serious immigration problem today, and that the contract-labor exclusion clause may be removed.

As will be discussed in more detail in chapter V,[46] the admissible classes of aliens have been changed to include a new category of quota immigrants and a new category of nonimmigrants whose admissibility rests upon the services or labor they will perform in this country, either permanently or for temporary periods. Adequate safeguards

[46] See p. 414.

are included to insure that such aliens will not be admitted if unemployed persons in the United States capable of performing such services or labor are available.

In view of this new treatment of aliens who seek to enter the United States to perform labor or services, all such aliens who do not qualify under the special categories should be excluded from admission if unemployed persons can be found in this country capable of performing the required labor or services. This exclusion is not, however, made applicable to quota immigrants who are accorded preferential treatment on the basis of relationship to American citizens or lawfully admitted alien residents.

11. ASSISTED ALIENS

a. Law today and its historical background

Two closely allied classes of aliens excluded by section 3 of the Immigration Act of 1917 are persons whose ticket or passage is paid for with the money of another, or who are assisted by others to come to this country, unless it is affirmatively and satisfactorily shown that such persons do not belong to one of the other excluded classes, and persons whose ticket or passage is paid for by any corporation, association, society, municipality, or foreign government, either directly or indirectly,[47] unless in immediate and continuous transit through the United States for foreign contiguous territory.

These two classes were first excluded, as such, in the Immigration Act of March 3, 1903,[48] although the wording of that act was more general in nature and the two classes were grouped together. Prior to 1903, the problem of the assisted alien seems to have resulted from the concern over the entry of contract laborers, as evidenced by the exclusion provisions of the prior acts which made specific reference to the class known as contract labor when excluding assisted aliens. The earlier provisions were, therefore, not as inclusive as the present provision.

The Immigration Act of February 20, 1907 [49] modified the act of 1903, and by limiting the exclusion to aliens whose passage was paid for by corporations, associations, societies, municipalities, or foreign governments and not by individuals.

The law, as it stands today, does not mandatorily exclude aliens when their passage is paid by an individual, whereas those whose passage is paid by a corporation, association, society, municipality, or foreign government are mandatorily excluded.

b. Testimony on assisted aliens

Testimony of witnesses at the hearings conducted by the subcommittee on the subject of assisted aliens was very brief, the substance being that the exclusion clauses pertaining thereto are no longer necessary. It is the opinion of an official of the Immigration Service that with the existing quota limitations, there is no useful purpose served by the section. He stated that the clauses were originally intended to prevent "dumping" in the United States, but that the contract labor clause is now adequate to combat the abuse which grew up during the

[47] 39 Stat. 874, sec. 3; 8 U. S. C. 136 (k).
[48] 32 Stat. 1213.
[49] 34 Stat. 898, sec. 2.

latter half of the nineteenth century. One witness suggested that the law be amended to allow the paying of passage to this country by a relative or a personal friend of the alien, or by an organization if it is a nonprofit organization. This witness also pointed out that the law was originally adopted to prevent the importation of laborers. Another witness stated that the provision is unnecessary since adequate protection is afforded by the exclusion of aliens liable to become a public charge.

c. Statistics

There are no figures available on the number of assisted aliens deported from the United States. This does not necessarily mean that none were deported on that ground, but rather that the Immigration and Naturalization Service keeps no figures on deportation cases of that kind. In the fiscal year 1948, only one assisted alien was excluded from the United States.[50]

d. Conclusions and recommendations

One consular official stated that the section is "archaic and unnecessary under the quota system." Another expressed the opinion that the section is "superfluous, since a person who belonged to an excludable class would be refused a visa anyway, regardless of whether or not he was assisted by others to come; whereas, if he was otherwise admissible, he would be granted a visa, again regardless of whether or not he was assisted by others."

The subcommittee finds that the exclusion of aliens who are assisted by others to come to the United States no longer serves any useful purpose, as the other excluding clauses of the same section prevent the entry of those who are otherwise deemed undesirable. Deletion of this provision from the law is recommended.

12. PREVIOUSLY DEPORTED OR EXCLUDED ALIENS

a. The law today and its historical background

Section 3 of the 1917 act also excludes from admission those aliens who have been previously excluded from admission and deported in pursuance of law, and who again seek admission within 1 year from the date of such deportation, unless prior to their reembarkation at a place outside the United States or their attempt to be admitted from foreign contiguous territory, the Attorney General has consented to their reapplying for admission.[51]

The purpose of that provision was stated in the Senate report which accompanied the bill, as follows:

> the insertion of a clause * * * excluding aliens who have once been deported and again attempt within 1 year after deportation to enter, unless prior to such reembarkation the consent of the Secretary has been obtained, the purpose being to reach the quite extensive and very annoying practice of aliens expelled from the country or debarred at the ports thereof immediately reattempting to break past the barriers and enter; * * *[52]

b. Statistics

The number of aliens excluded each year as aliens who have been previously deported from the United States and are seeking readmis-

[50] Appendix XI, tables 3 and 4, pp. 871, 872, give the numbers of persons excluded from the United States by cause and by national origin.
[51] 39 Stat. 874; 8 U. S. C. 136 (j).
[52] S. Rept. 352, 64th Cong., p. 4.

sion into the country within a year's time is not large. The largest number of persons, who as aliens are deported twice, are deported to Mexico. The problem appears, therefore, to be principally a southern border problem and is discussed in the section on deportation problems.[53]

In the fiscal year 1948, 30 persons were excluded because of a previous exclusion or deportation [54] and 3,438 were deported [55] for the same reason, that is, 0.6 and 16.8 of the total in each category, respectively.

c. Conclusions and recommendations

The subcommittee finds that the law as it is now written is adequate to prevent the abuse of the exclusion and deportation laws by aliens who attempt to reapply for admission to the United States soon after their exclusion or deportation, as well as to allow reconsideration when the alien is able to overcome the handicaps which brought about the original exclusion and deportation.

13. STOWAWAYS

a. The law today

Stowaways are also excluded from admission to the United States under section 3 of the 1917 act except that the Attorney General may, in his discretion, admit such aliens if otherwise admissible.

That provision is supplemented by the act of June 11, 1940,[56] as amended by the act of April 4, 1944,[57] which makes it a misdemeanor to stow away on any vessel for transportation to any place within or without the United States. A penalty of $500 or imprisonment for a period not exceeding 1 year is fixed for any stowaway found on a vessel within the jurisdiction of the United States. The law further provides that "whoever shall knowingly aid, abet, or assist any person to violate" the act shall himself be guilty of a misdemeanor and be liable to a fine not exceeding $1,000 or imprisonment for a period not exceeding 1 year, or both.

A similar act was approved March 4, 1944,[58] making it a misdemeanor to stow away on aircraft and providing a penalty for the person stowing away on an aircraft of $1,000 or imprisonment for not more than 1 year, or both.

b. Recently proposed legislation

Six bills amending the immigration laws pertaining to stowaways have been introduced in the last three Congresses, but none has been enacted. All would remove the discretionary authority of the Attorney General to admit stowaways.

The bills mentioned have caused much comment, particularly the provisions which propose (1) to eliminate the discretionary authority of the Attorney General to admit certain stowaways and (2) to deny to alien stowaways hearings on their cases by boards of special inquiry and appeals from exclusion orders to the Board of Immigration Appeals.

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[53] See p. 629.

[54] Appendix XI, table 3 and 4, pp. 871, 872, give the numbers of persons excluded from the United States by cause and by national origin.

[55] Appendix XI, tables 5, 6, and 7, pp. 87 879, give the numbers of persons deported by cause and by countries to which deported.

[56] 54 Stat. 306.

[57] 58 Stat. 188.

[58] 58 Stat. 111; 18 U. S. C. 472-474.

An immigration officer expressed the opinion that the proposal for retaining stowaways on board incoming vessels without benefit of hearings by the boards of special inquiry, would open the way for court trials by way of writs of habeas corpus, in which the Immigration Service would be without evidence. Another official of the Service stated that, as the bill required the stowaways to be held on board the vessels and denied them the right of appeal, the possibility of habeas corpus proceedings would not present any serious problem, since a finding of alienage and inadmissibility probably could not be attacked on habeas corpus, except in cases in which stowaways claimed United States citizenship.

During hearings before the Immigration and Naturalization Subcommittee of the House Committee on the Judiciary on one of the bills, the chairman and counsel of the Trans-Atlantic Passenger Conference, which includes 15 trans-Atlantic passenger lines, opposed the provision of the bill which fined steamship lines for bringing stowaways into the country. He stated that steamship companies are penalized even without the statute, as they are deprived of passenger fare both ways and must bear the additional expenses incident to detention and food consumed by the stowaway.[59]

A representative of the Association of Immigration and Nationality Lawyers asserted that this type of proposal did not allow full and fair hearings for stowaways and vested judicial or quasi judicial powers "in the prosecutor or the immigration policemen." He pointed out that there have been cases in the past of stowaways who received favorable consideration administratively and in the courts, and that meritorious cases may occur again in which it would be desirable to have some provision for the exercise of administrative discretion.

c. Problems involved and recommendations for their solution

The Annual Report of the Immigration and Naturalization Service for the year 1948 lists stowaways as one of the five major causes of an unusually heavy work load,[60] and states that "legislation to authorize stowaways being detained on board and deported without board of special inquiry hearings would make for better law enforcement and conservation of manpower." [61]

An assistant commissioner of the Enforcement Division of the Immigration and Naturalization Service stated that the stowaway is presently entitled to a hearing. He said that the Service has its greatest problem with respect to stowaways at the port of New York, but that recently, whenever possible, the boards of special inquiry have held hearings aboard vessels upon which the stowaway arrives, and under that procedure, fewer appeals have been made and the stowaways have been returned in most cases on the same vessel. He stated, however, that if hearings are not held aboard the vessels the stowaways must be accorded a board of special inquiry hearing on shore; in which case they are handled as any other applicant for admission.

It was his opinion that denial to a stowaway of the right of a hearing before a board of special inquiry would be helpful to the Service both administratively and by way of discouraging attempts to enter the

[59] Interpretative release, Feb. 9, 1948, p. 43.
[60] Immigration and Naturalization Service, Annual Report, 1948, p. 27.
[61] Ibid., p. 9.

United States as a stowaway. He could see no reason why a stowaway should be entitled to the same privileges accorded an alien who enters in the prescribed manner.

An Assistant Commissioner of the Immigration and Naturalization Service in charge of adjudication stated experience has shown that practically all stowaways have no right of entry into the United States and that present procedures are helpful neither to the stowaway nor to the Service. He stated that it would be helpful if legislation were enacted permitting the Service to detain and to return alien stowaways on board the ship on which they arrived.

The Chief of the Entry and Departure Section of the Immigration and Naturalization Service's New York office stated that the system of holding hearings on board incoming vessels had caused the office much concern and had been a nuisance. He added that, as a general rule, the attorney for the alien is informed, but that as the stowaway is usually without any immigration documents, the stowaway's chances of landing are very slight, and the hearing usually results in exclusion.

Another immigration official said that he had never seen any good reason for granting a stowaway a hearing before a board of special inquiry. He asserted the alien stowaway should be detained on board and deported in the same manner as mala fide seamen. If, however, a stowaway makes claim to United States citizenship, lays claim to an unrelinquished residence in the United States, or is in possession of proper traveling and immigration documents, he should be entitled to a hearing before a board of special inquiry.

A patrol inspector of the Immigration and Naturalization Service also commented on the problem caused by the smuggling of stowaways on large vessels and on commercial planes. He stated that sometimes one of the stewards of the vessel or plane will engage in smuggling without the knowledge of the captain. The inspector observed that the problem exists in almost every port and is very difficult to combat since it takes a large number of officers to check a ship, and the service does not have the necessary personnel to deal effectively with the problem.

An immigration officer in charge of a district office suggested that the board of special inquiry hearing should be eliminated in the case of stowaways who do not have valid visas for admission to the United States. Other officials of the Service generally stated that the present procedure wastes much-needed manpower and causes expense to the transportation companies, especially when an appeal is taken. Other officials of the Service agree that detaining the alien on board the incoming vessel would solve the problems involved.

An Assistant Commissioner of the Enforcement Division of the Immigration and Naturalization Service stated that there was in New York a small antismuggling seamen's unit consisting of about 12 officers of the Service, who go aboard vessels they believe likely to be bringing in stowaways, particularly some of the Italian and Greek ships and conduct searches. He added, however, that such searches are very difficult to conduct, but that the number of stowaways has been reduced in the past few months because of the activities of the unit. The stowaways found on board have been processed by the boards of special inquiry, with the result that the ship masters have been a little more careful in trying to locate stowaways on their ships.

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The suggestions received by the subcommittee from other officials of the Immigration and Naturalization Service also are that the laws should permit the detention of stowaways on board the vessel on which they arrived and deportation on the same vessel without a hearing by a board of special inquiry. Such procedure, of course, is not to be applicable where a question of United States citizenship is involved.

d. Statistics

There has been an increase of the alien stowaway problem since the conclusion of hostilities. The largest numbers of alien stowaways enter through ports or districts on the east coast. No figures are available on the number of stowaways deported annually from the country, an indication either that they are all excluded at the ports of entry,[62] that the Attorney General has permitted them to remain, or that they have managed to elude the immigration officials and remain illegally in the country.

e. Conclusions and recommendations

The subcommittee recommends that the exclusion clause relating to stowaways should include all stowaways without any discretionary administrative authority to admit stowaways who are otherwise admissible. The subcommittee finds that persons who stow away on vessels for the purpose of entering the country in violation of the immigration laws, should not be accorded any favorable treatment.

14. RACIAL EXCLUSIONS

a. The law today

Among the excluding clauses of the 1917 act is that which excludes natives of a large number of the islands and territories located in the far eastern area, commonly known as the "barred zone." It provides:

> unless otherwise provided for by existing treaties, persons who are natives of islands not possessed by the United States adjacent to the continent of Asia, situate south of the twentieth parallel latitude north, west of the one hundred and sixtieth meridian of longitude east from Greenwich, and north of the tenth parallel of latitude south, or who are natives of any country, province, or dependence situate on the Continent of Asia west of the one hundred and tenth meridian of longitude east from Greenwich and east of the fiftieth meridian of longitude east from Greenwich and south of the fiftieth parallel of latitude north, except that portion of said territory situate between the fiftieth and the sixty-fourth meridians of longitude east from Greenwich and the twenty-fourth and thirty-eighth parallels of latitude north, and no alien now in any way excluded from, or prevented from entering, the United States shall be admitted to the United States.[62]

Located in this zone are parts of China, all of India, Burma, Siam, the Malay States, a part of Russia, part of Arabia, part of Afghanistan, most of the Polynesian Islands, and the East Indian Islands.

In addition to the exclusion of natives of the "barred zone," the Immigration Act of 1924 [63] provides that "no alien ineligible to citizenship shall be admitted to the United States * * *", unless such aliens are eligible for a nonquota immigrant status as immigrants previously lawfully admitted to the United States who are returning from temporary visits abroad, as ministers and professors or their wives and children under 18 years of age, accompanying or following

[62] Appendix XI, tables 3 and 4, pp. 871, 872, give the numbers of persons excluded from the United States by cause and by national origin.
[62] Sec. 3; 39 Stat. 874.
[63] 43 Stat. 153, sec. 13 (c); 8 U. S. C. 213; sec. 3, 39 Stat. 874.

to join them bona fide students, or unless they are eligible to enter the country temporarily as nonimmigrants.

Section 28 of the act of 1924 [64] defines aliens who are "ineligible to citizenship" as those who are debarred from becoming citizens under section 303 of the Nationality Act of 1940.[65] Under that definition, the following peoples have been declared racially ineligible for naturalization, and therefore, are excluded from admission: Burmese, Japanese, Koreans, Malayans, Maoris (members of the Polynesian family) natives of New Zealand, Polynesians, natives of Tahiti, and Samoans.

The act of December 17, 1943,[66] removed the Chinese from the excludable category and made a separate quota available to Chinese wherever born. The act of July 2, 1946 [67] provided for the admission of persons belonging to races indigenous to India and the Philippines, and made the Indian quota available to Indians wherever born.

b. Historical background

While the act of 1917 excluded certain Asiatics on the basis of geographical distribution, before that time, there had been separate legislation or treaties to cover some of the groups considered racially undesirable, which were not included within the "barred zone." As stated in the Senate report which accompanied the 1917 act, the present exclusion clause was put in "to reach that large number of aliens, not 'free white persons' or persons of 'African nativity' or 'African descent'—not covered by the Chinese exclusion treaty and laws and the Japanese passport agreement and treaty, the immigration of whom has in the last few years become a matter of grave concern." [68]

The act of May 26, 1924, often referred to as the Oriental Exclusion Act, completed the restriction on immigration on a racial basis by excluding, with certain exceptions, all aliens ineligible to citizenship, which included Asiatics generally.

(1) Chinese restriction

Affirmative legislative discrimination against immigrants on the basis of race dates from the enactment of the so-called Chinese Exclusion Act of May 6, 1882,[69] which suspended the coming of Chinese laborers to the United States for a period of 10 years. The act of July 5, 1884 [70] (1) prohibited a Federal or State court from admitting Chinese to citizenship; and (2) provided that the Exclusion Act should apply to "all subjects of China, and Chinese, whether subjects of China or any other foreign power." The act of May 5, 1892 [71] extended these provisions for an additional 10 years. They were made permanent by the act of April 29, 1902 [72] and the Chinese Exclusion Act, as amended, remained in full force and effect until the act of December 17, 1943 [73] repealed it and other laws discriminating against the Chinese as a race.

Immigration from China dates from the middle of the nineteenth century. The opening of the Port of Amoy in 1843 and the beginning of emigration from China coincided almost exactly with the migra-

[64] 8 U. S. C. 224.
[65] 54 Stat. 1140.
[66] 57 Stat. 600.
[67] 60 Stat. 416.
[68] S. Rept. 352, 64th Cong., p. 4.
[69] 22 Stat. 58.
[70] 23 Stat. 115.
[71] 27 Stat. 25.
[72] 32 Stat. 176.
[73] 57 Stat. 600.

tion westward on this continent and the opening of the gold fields in California. Chinese laborers were wanted and welcomed in a new country where labor was scarce and opportunities unlimited. By the Burlingame Treaty of 1868 (proclaimed in the United States in February 1870), the United States and China undertook to recognize the—

> inherent and inalienable right of man to change his home and allegiance, and also the mutual advantage of the free migration and emigration of their citizens and subjects, respectively, from one country to the other for purposes of curiosity, of trade, or as permanent residents.[74]

The census of 1860 listed 34,933 Chinese in the United States. By 1870, when the Burlingame Treaty was proclaimed, the census listed 63,109 resident Chinese. By 1880 there were 105,465, most of them in California.[75] Feeling ran high against them, because their standard of living was low and they underbid white residents in the labor market. Congress, in 1876, appointed a commission to investigate, and upon receiving the Commission's report, passed a bill prohibiting immigration of Chinese laborers. This legislation was vetoed by President Hayes as a violation of the Burlingame Treaty. Two years later a new treaty was, however, negotiated, ratified July 19, 1881, proclaimed October 5, 1881 (22 Stat. 826) providing:

> Whenever, in the opinion of the Government of the United States, the coming of Chinese laborers to the United States, or their residence therein, affects or threatens to affect the interest of that country, or to endanger the good order of of the said country or of any locality within the territory thereof, the Government of China agrees that the Government of the United States may regulate, limit, or suspend such coming or residence, but may not absolutely prohibit it.

The following year, Congress enacted a bill suspending Chinese immigration for 20 years, which bill President Arthur vetoed, as being in violation of this treaty. Congress acceded, and the Chinese Exclusion Act of 1882 was passed.

Anti-Chinese agitation continued, however, and in 1888 we negotiated a new treaty. Because of delays on the part of China, the treaty never was actually ratified. Meanwhile, Congress had passed the act of October 1, 1888,[76] to implement the pending treaty. Certain sections of this act were continued in force (notwithstanding that China formally rejected the treaty) and were declared by the act of April 29, 1902,[77] to be in force.

By a treaty ratified March 17, 1894,[78] China and the United States agreed on an absolute prohibition of immigration of Chinese laborers for a 10-year period. Six months prior to the termination date, in 1904, China gave notice that it would not be renewed. As noted, the act of 1902 had already made permanent the provision for exclusion of Chinese laborers under the terms of the Burlingame Treaty and the treaty of 1880.[79] The treaty of 1880 was finally terminated on November 30, 1948, on which date a new "Treaty of Friendship, Commerce, and Navigation," signed November 4, 1946, became effective.

(2) Japanese restriction

The Japanese Government lifted its ban against emigration of Japanese in 1885. The census for 1870 reported 55 Japanese in this

[74] 16 Stat. 739.
[75] U. S. Bureau of the Census, Census of 1940, Population, 1940, vol. II, pt. 1, table 4, p. 19.
[76] 25 Stat. 504.
[77] 32 Stat. 176.
[78] 22 Stat. 1210.
[79] 22 Stat. 826.

country, the census for 1880 reported 148. By 1890, there were 2,039, and by 1900, 24,326. There were no exclusion laws directed at the Japanese, but in 1908 the so-called gentlemen's agreement between Japan and the United States was entered into informally, whereby Japan agreed to restrict emigration of Japanese laborers to the United States. This agreement was made by President Theodore Roosevelt pursuant to the provisions of the Immigration Act of February 20, 1907,[80] which authorized the President to enter into—

such international agreements as may be proper to prevent the immigration of aliens who, under the laws of the United States, are or may be excluded from entering the United States, and of regulating any matters pertaining to such immigration.

c. Statistics

No figures are available on the number of aliens excluded each year as being racially ineligible. Only a very small percentage of those deported each year were deported as being in the country in violation of the Chinese Exclusion Act and the percentage was growing progressively smaller at the time the Exclusion Act was repealed. In the fiscal year 1944, the last period of effectiveness, only one person was deported under the Chinese Exclusion Act.[81]

d. Conclusions and recommendations

With one exception, all of the testimony given before the subcommittee supported legislation to eliminate from our immigration laws the provisions which exclude from admission persons from the "barred zone" or those ineligible to citizenship because of their race. Much of the testimony dealt with the principles of the Judd bill (H. R. 199, 81st Cong., passed by the House March 1, 1949) which would accomplish this purpose.

Among the organizations which endorsed the removal of the racial exclusions were the American Legion; the Veterans of Foreign Wars of the State of California; Committee for Equality and Naturalization; Japanese-American Citizens League; and the Federal Council of Churches.

Endorsing testimony was also given by the executive secretary of the Korean Immigration and Naturalization Committee; the director, bureau of immigration, National Catholic Welfare Conference; the American Friends Service Committee; the executive director, Common Council for American Unity; and the American Jewish Committee.

Removal of the racial barriers was advocated by several officials of the Department of State and the Immigration and Naturalization Service. Testimony of an official of the Department of State emphasized that removal of the racial bars in our immigration and naturalization laws "would be a great help from the administrative point of view as well as from the viewpoint of our international relations." He stated that racial ineligibility "is just like a disease or moral turpitude, in that it requires exclusion regardless of any quota system."

An immigration officer stated that—

with the United States assuming a position of political, economic, and diplomatic prominence in the world, such statutes tend to raise doubts in the minds of the affected groups as to the true nature of a democracy and obviously provide a propaganda theme for those countries with designs of ultimately imposing their peculiar political philosophies upon other countries of the world.

[80] 34 Stat. 898.

[81] Tables 5, 6 and 7, pp. 873-879, give the number of persons deported by cause and by countries to which deported.

A Foreign Service official recommended that all provisions of the immigration laws providing for exclusion of persons from the United States because of race or place of birth should be abolished:

> These provisions appear to the world, particularly in the Orient, to contradict official American policy at home and abroad, which recognizes the equality of all mankind regardless of color of skin or place of birth. * * * Moreover, exclusion on the basis of race or place of birth is no longer necessary for the protection of America against undesirable immigration, for the quotas applicable to countries now excluded would be very small, and regulations concerning health, literacy, and financial support eliminate the undesirable with greater precision, without affording grounds for the charge of discrimination.

A consular official pointed out that the special legislation enacted for the benefit of Chinese, Indians, and Filipinos is not in harmony with the Immigration Act of 1924 and thus served to emphasize more sharply the discrimination against other races in the Asiatic area.

Immigration officers in Duluth, Kansas City, and Los Angeles all submitted endorsements of the elimination of the racial exclusions. One officer stated that—

> It would appear to me that the entry of any people may be controlled better on the basis of quotas, or economic conditions or in other ways less discriminatory than because of race.

From a consular officer in our Embassy at Bangkok, Siam, came the suggestion that token quotas should be established for natives of all nations in the barred zone, stating:

> Revision of the pertinent provisions of the immigration and naturalization laws would do much to destroy the argument long heard in countries of the East that the United States discriminates against the eastern peoples. It is commonly accepted that one of the propaganda issues which proved very useful to Japanese militarist leaders was that of the excludability of Japanese from the United States on grounds of race.

Another consular officer at Rangoon stated:

> It would appear that in view of the removal of Indians and Chinese from the excluded classes there is no longer any justification for the exclusion of other racial groups. The races still ineligible for citizenship are now so few that they feel especially bitter about being singled out for discrimination, and it is doubly difficult to convince them that our attitude is friendly. In the case of the Burmese who are immediately between India and China geographically, the insult to their race is obvious. Racial discrimination appears to be contrary to the liberal spirit and basic sense of justice of the American people. It is therefore recommended that section 303 be repealed entirely.

Another consular officer in the Far Eastern service recommended that—

> Today, control of immigration is effectively secured through the quota system and through the medical, moral, and, above all, the economic exclusion clauses of section 3 of the act of 1917. To retain any portion of the racial exclusion provisions is thus a gratuitous insult to the relatively few peoples against whom they still operate.

While the preponderance of the testimony related to the Japanese, since they are the largest group now racially ineligible to citizenship, one witness spoke especially for the Koreans, pointing out that Korea has no quota and that a Korean has no rights or privileges of obtaining citizenship through naturalization, except a few who were naturalized during World War I and II for service with our armed forces.

The one exception to testimony endorsing legislation to eliminate racial bars was that of the president of the American Coalition, who testified that if legislation like the Judd bill were enacted the door

would be open to an influx of persons from barred zones "who would be wholly unassimilable." He objected to the principles of the bill on the ground that it introduced the question of race as a basis for computing quotas. He stated, "Personally, I think this country ought not to admit Asiatics."

The subcommittee recommends that the clause in section 3 of the 1917 act creating the "barred zone," thereby excluding many Asiatics from admission to this country, should be stricken from the immigration laws. It was inserted at a time when there appeared to be a need for such an exclusion, but the subcommittee finds that, since immigration from such areas is subject to strict quota controls, the other exclusion clauses provide the proper and only just means of exclusion, and that exclusion on the basis of race is no longer necessary.

15. ILLITERATE ALIENS

a. The law today and historical background

Another group of aliens excluded by the Immigration Act of 1917 are illiterates. Section 3 of the act excludes from admission "All aliens over 16 years of age, physically capable of reading, who cannot read the English language, or some other language or dialect, including Hebrew or Yiddish." [82] The test for determining the literacy of aliens is included in the first proviso to section 3 of the act. It is provided that slips of uniform size, prepared under the direction of the Attorney General, each containing not less than 30 nor more than 40 words in ordinary use, printed in plainly legible type in some one of the various languages or dialects of immigrants, shall be furnished to immigrant inspectors. Each alien shall be examined as to his ability to read the words printed on the slip in the language or dialect of his choice. Exempted from the operation of the literacy test under the same proviso are (1) The father or grandfather over 55 years of age, wife, mother, grandmother or unmarried or widowed daughter, if otherwise admissible, of an admissible or lawfully admitted alien or an American citizen; (2) aliens who can prove satisfactorily that they are seeking admission to the United States to avoid religious persecution in the country of their last permanent residence; (3) aliens who have been lawfully admitted to the United States and who have resided therein continuously for 5 years, and who return to the United States within 6 months from the date of their departure therefrom; (4) aliens who are in transit through the United States; or (5) aliens who have been lawfully admitted to the United States and who later shall go in transit from one part of the United States to another through foreign contiguous territory.

Three attempts were made to exclude illiterates from the United States prior to the passage of the 1917 act, but the bills were vetoed. The 1917 act was passed over the veto of PresidentWilson. Previous immigration bills which would have excluded illiterates were H. R. 7864 of the Fifty-fourth Congress, second session, in 1896, vetoed by President Cleveland; S. 3175 of the Sixty-second Congress, third session, in 1913, vetoed by President Taft; and H. R. 6060 of the Sixty-third Congress, third session, vetoed by President Wilson.

The bill of 1896 proposed that all male aliens between the ages of 16 and 60 who could not read and write the English language or some

[82] 39 Stat. 874, 877; 8 U. S. C. 136.

other language should be excluded from admission into the United States, except that the parent of any resident alien might enter, regardless of his ability to read or write. The 1913 bill was substantially similar, except that it was more detailed, limiting the exception to parents of certain ages and exempting from the literacy requirement citizens of certain Western Hemisphere countries. The first bill vetoed by President Wilson in 1915 was substantially the same as the 1917 immigration law enacted over his veto.

The literacy test was favored by the Immigration Investigating Commission of 1907–11, which stated in its lengthy report that "A majority of the Commission favor the reading and writing test as the most feasible single method of restricting undesirable immigration."

b. Statistics

It is difficult to draw any definite conclusions from the figures available on the number of aliens excluded each year as being illiterate. With the exception of the fiscal year 1944, the total number excluded as illiterates each year since 1935 constituted less than 1 percent. In 1944 it was only 1.2 percent.[83] This would appear to indicate that the problem of excluding illiterates is not a large one or that not many who apply for admission are illiterate. The percentage of deportations for illiteracy has varied considerably from year to year, and there is no apparent trend. In the fiscal years 1947 and 1948, only seven persons were deported as illiterates. Over the years, the country to which the greatest number of illiterates were deported was Mexico.[84]

c. Conclusions and recommendations

Two of the witnesses at the hearings conducted by the subcommittee commented on the "illiteracy exclusion" clause of the 1917 act. Both of the comments related to the provision of the section which exempts from the literacy provisions aliens who have been resident in the United States continuously for 5 years and who return to the United States within 6 months from the date of their departure therefrom.

One of the witnesses, a lawyer who works principally in the immigration field, stated that he believed that the provision set up too short a time limit for reentry, especially in the case of aliens who have been resident in the United States for many years, and that the clause had necessitated the exercise of the seventh proviso [85] a number of times.

An official of the Immigration Service concurred, stating that the clause had outlived its usefulness, as it "was intended to cover aliens who were admitted permanently prior to the 1917 act who made visits abroad and returned to the United States shortly after the passage of the 1917 act." He pointed out that today an alien illiterate who is admitted is generally exempt from the literacy clause, and in most instances those that are not so exempt have been living in the United States for many years and can be admitted and are being admitted under the provisos of section 3.

[83] Appendix XI, tables 3 and 4, pp. 871, 872, give the numbers of persons excluded from the United States by cause and by national origin.

[84] Tables 5, 6, and 7, pp. 873–879, give the number of persons deported by cause and by countries to which deported.

[85] The seventh proviso permits the reentry of aliens, in the discretion of the Attorney General, who are returning to an unrelinquished domicile in this country of seven consecutive years after a temporary visit abroad.

An immigrant inspector recommended the deletion of the requirement of 5 years' residence and return within 6 months as a condition precedent to exemption of lawfully admitted alien residents from the literacy test, stating that—

> such an alien, whose illiteracy was known to this Service and overcome by an exemption at the time of original or basic arrival, should be regarded as any other permanent resident when returning from a temporary visit abroad to an unrelinquished residence in the United States. An illiterate alien may lose the relative who provided him a reading-test exemption upon original arrival by death or by divorce or by removal of such relative from the United States. While his status as a resident is not affected thereby while he remains in the United States, he is limited, for the purposes of visiting abroad, by what seems to me a purely technical requirement of law. For, in the final analysis, there seems to be little practical difference between readmitting an otherwise admissible illiterate alien who has resided here less than 5 years and returns after an absence of over 6 months, or readmitting one who has had more than 5 years' residence and has been absent less than 6 months. I believe the present law imposes an unnecessary restriction upon travel in the type of case under discussion.

The subcommittee recommends that the clause of section 3 of the 1917 act excluding illiterate aliens should be retained in the law, subject to substantial modification, however, so far as the exemptions therefrom are concerned. The exclusion provision should include all aliens over 16 years of age, physically capable of reading, who cannot read or understand some language or dialect, other than aliens who have been lawfully admitted for permanent residence and who are returning from a temporary visit abroad. No other specific exemptions from the law are deemed necessary.

16. ADDITIONAL CLASSES OF EXCLUDABLES

Those classes of aliens who are presently excluded from admission to the United States have been discussed in detail, and it has been seen that in some cases the classes have been enlarged; in others they have been narrowed somewhat and certain obsolete classes have been omitted. The subcommittee also recommends that specific provision be made in the law for the exclusion of certain other aliens who are deemed undesirable.

There should be included in the excludable classes any alien who is a narcotic-drug addict or who has been convicted of a violation of any narcotic law or regulation pertaining to the possession for the purpose of sale, or the transportation, of narcotic drugs. Included in this class are any aliens who a consular or immigration official knows or has reason to believe is or has been an illicit trafficker in narcotic drugs.

Under various provisions of the immigration laws, aliens who arrive at a port of entry without proper documents or without any documents may be denied admission. The subcommittee feels that such aliens should be specifically designated in the excludable classes as such. Accordingly, those classes will include any alien who seeks to procure, has sought to procure, or has procured a visa or other documentation by fraud, false claim, or misrepresentation of fact; alien immigrants who do not have a valid immigration visa or other valid entry document; any alien who is a quota immigrant whose visa was not issued in strict compliance with the provisions in the law relating to preferences as between qualified immigrants and the order in which visas are issued; and any alien who is a nonimmigrant and is not in possession

of a passport authorizing him to return to the country from which he came or to proceed to some other country within 1 year, and who is not in possession of a visa or other documentation as a nonimmigrant.

B. Exceptions to the Excludable Classes

1. INTRODUCTION

Section 3 of the Immigration Act of 1917 contains 10 provisos which, with the exception of the sixth proviso, permit the entry of persons who might otherwise be excluded by the section; each will be treated separately.

2. FIRST PROVISO

The first proviso to the third section pertains to the class of aliens known as illiterates and has been discussed in connection with that excludable class.[80]

3. SECOND PROVISO

The second proviso to section 3 of the 1917 act reads in its entirety—

> That nothing in this Act shall exclude, if otherwise admissible, persons convicted, or who admit the commission, or who teach or advocate the commission, of an offense purely political.

This proviso has been in the immigration laws as long as the term "convicts" or those guilty of a crime involving moral turpitude.

From the earliest times many of the persons who have settled in the United States have been political refugees, and the inclusion of the provision to permit the granting of haven to persons who have been convicted of, or admit the commission of, a purely political offense undoubtedly stems from that fact.

The subcommittee recommends that a similar provision should be included in the proposed legislation to restate the principle that no person, otherwise admissible, shall be excluded by reason of a purely political offense. Such exemptions shall not, however, extend to persons "who teach or advocate the commission" of such an offense, for the obvious reason that to exempt such persons would be in direct conflict with the provisions of the proposed law which exclude from admission persons who advocate or teach anarchy, the overthrow of government by force or violence, assassination of public officials, or other subversive activities.

4. THIRD PROVISO

The third proviso to the third section reads in its entirety—

> That the provisions of this Act, relating to the payments for tickets or passage by any corporation, association, society, municipality, or foreign government shall not apply to the tickets or passage of aliens in immediate and continuous transit through the United States to foreign contiguous territory.

The exclusion clause in section 3 which prohibits the entrance of aliens for permanent residence whose passage is paid by corporations, societies, or foreign governments was included in the earlier immigration acts as a companion clause to the contract-labor clause and is also related to the "likely to become a public charge" clause. In view

[80] See p. 373.

of the recommendation that the exclusion clause should be omitted from the law, the proviso becomes unnecessary.

5. FOURTH PROVISO

a. General discussion

The fourth proviso to the third section of the 1917 act has caused considerable comment. It reads:

> That skilled labor, if otherwise admissible, may be imported if labor of like kind unemployed cannot be found in this country, and the question of the necessity of importing such skilled labor in any particular instance may be determined by the Attorney General upon the application of any person interested, such application to be made before such importation, and such determination by the Attorney General to be reached after a full hearing and an investigation into the facts of the case.

This proviso permits the waiver of the contract labor clause in the case of skilled labor when it has been satisfactorily proved that labor of like kind unemployed cannot be found in the United States. Entry of aliens under this proviso may be either for a temporary period or for permanent residence. The waiver of the contract labor clause, by the fourth proviso, for the purpose of permitting the entry of aliens for permanent residence, does not waive the requirement that the aliens must come in under the quota system. For this reason, aliens coming in under such waiver must wait their turn on the quota list of their country and be able to meet all of the requirements of entry placed upon immigrants coming into the United States.

Regulations of the Immigration and Naturalization Service define contract laborers in almost identical language to that used in the exclusion section of the 1917 act.[87] They also state the requirements and the procedure requisite for the acquisition of skilled labor by means of the fourth proviso. The regulations provide that the application for such labor shall be made by the company, corporation, or person desiring to import the labor, to the official in charge of the district in which it proposed to employ labor. The applications are in the form of affidavits which state all the material circumstances in the case. They include such data as—

> (a) the number and sex of the persons whom the applicant desires to import, (b) a nontechnical description of the work which it is intended they shall perform, (c) whether the industry is already established or is new in the United States, (d) the approximate length of time required for one to become skilled in the trade, (e) the wages paid and hours of labor required, (f) whether or not a strike exists or is threatened among applicant's employees or there is a lock-out against such employees, (g) what city or cities, if any, constitute the center of the trade in this country, (h) whether or not there are any journals especially devoted to the industry, and (i) the nature of the efforts, if any, made to secure the desired labor in the United States and the results of such efforts. [88]

All applications are supported by such affidavits as the applicant is able to furnish.

It is also provided that the applicant, at a later date, will furnish to the official the names, ages, nationality, and last permanent foreign residence of the aliens he is importing, as well as the name of the port at which they will arrive, the name of the vessel on which they will arrive, and the approximate date of their arrival.[89] All applica-

[87] 8 CFR 124.1, 124.2.
[88] 8 CFR 124.4.
[89] 8 CFR 124.4.

tions are investigated by the officer in charge of the immigration district, who after the investigation sends copies of the application, the affidavits, and his recommendations to the Commissioner for his consideration and decision. Counsel may be employed either before the officer in charge, before the Commissioner, or both, but all evidence which is submitted is investigated by the officer in charge.[90]

In carrying out the provisions of the fourth proviso, the Immigration and Naturalization Service works in conjunction with the United States Employment Service. The job of the immigration officials is to determine whether or not there is an actual need for such labor as is requested on the part of the contractor or employer who requests it, and whether or not labor of that kind can be provided through other employment channels.

The responsibility of the United States Employment Service is to find sufficient labor to meet the requirements of the American employer. It is a practice of the Immigration and Naturalization Service, when an application to import workers is made by an employer, to check with the Employment Service on available labor. When the Immigration Service receives a request from an employer to bring in skilled workers, it writes to the Employment Service giving the name of the employer and the area in which he is located and asking the Employment Service to check and see if workers of that type can be found. The Employment Service, in turn, transmits the information to the State employment service in the area mentioned in the request and asks if it can fill the order. If it cannot, the Employment Service checks in other areas to see if labor of the type requested can be recruited and reports its findings to the Immigration and Naturalization Service.

Clearances are had from the local labor unions to establish that like labor is not available in the United States, that the salary to be paid to the importees is not substandard, and that if the work is unionized, the particular union handling that type of work does not have any objections to the importation.

b. Conclusions and recommendations

As the fourth proviso is the only means by which alien contract laborers may enter the United States for permanent residence, it has been the subject of considerable comment. A labor union official stated that the proviso should be modified to grant priorities for visas to applicants or to make such applicants nonquota immigrants. Either of these modifications, he asserted, would make available for use in this country a large reservoir of workers in countries whose quotas are now oversubscribed. He urged maintenance of the required certification by the Attorney General to preserve the standards of American workingmen, adding that before the Attorney General approves the importation of alien laborers, "the approval of the predominant labor union functioning in the industry, the area thereof, or the particular enterprise," should be required, which would afford "an additional safeguard against undermining American standards and American working conditions." This same labor official stated that the words "skilled labor" as used in the proviso should be amended to read "skilled manual or professional labor."

[90] 8 CFR 124.5.

The only comment on the fourth proviso made by an official of the Immigration and Naturalization Service concerned amending the fourth proviso to prohibit the entry of aliens temporarily as contract laborers, thus making the proviso available only to aliens entering for permanent residence. He stated that since the fifth and ninth provisos also pertain to the entry of aliens for hire, these should all be considered together, because merely prohibiting the entry for temporary periods under the fourth proviso would not prevent the entry of aliens for hire for temporary periods under either the fifth proviso or by means of the discretionary power granted to the Attorney General by the ninth proviso.

It is the conclusion of the subcommittee that the provisions of the fourth proviso, as such, need not be retained in the law. Adequate provision is to be made in the proposed legislation for the importation of skilled labor for temporary periods as nonimmigrants and as quota immigrants in a preferred category under a similar petition procedure and similar conditions.

6. FIFTH PROVISO

The fifth proviso, which permits the entry of certain types of professional persons, for temporary or permanent residence, reads in its entirety as follows:

> That the provisions of this law applicable to contract labor shall not be held to exclude professional actors, artists, lecturers, singers, nurses, ministers of any religious denomination, professors for colleges or seminaries, persons belonging to any recognized learned profession, or persons employed as domestic servants.

The exemption of domestic servants from the contract labor provisions by the proviso was the subject of much of the comment by officials of the Immigration and Naturalization and consular services, especially those stationed in the contiguous countries.

One Foreign Service official stated that the law covering the admission of aliens as domestics should be amended. While he did not make any specific suggestion, his general observations on the manner in which aliens enter the United States as domestics, and their actions after they enter the country, are significant.

> This Embassy has received many applications from American citizens or legal residents of the United States to import domestic help. The usual salaries of servants in Cuba run from $20 to $30 a month, plus room and board, with the result that when residents of the United States offer these domestics $60 to $70 a month, plus room and board, plus the expense of visas, passports, etc., for the account of the resident of the United States, this looks like a large salary and an ideal arrangement for the alien who is entering as a servant. The usual procedure is that the importer of the servant will guarantee that such servant will not become a public charge, which guarantee is usually valid until the alien abandons his status as a resident in the United States or until said alien becomes an American citizen. These servants are admitted and permitted to enter under contract, as they do not come under the contract labor provision.
>
> The undersigned is cognizant of many cases where aliens have been imported as servants and after a short residence in the United States working for the importer, having learned that as servants or in other fields of endeavor they can earn twice or three times as much money, they leave the employ of the person that brought them to the United States. The importer then invariably will notify the Immigration Service that the person whom he brought to the United States has left his employ and, therefore, he is no longer responsible. This, of course, is not the case, if he has guaranteed the alien against becoming a public

charge, as stated above. To the best of my knowledge, there has never been a case where the importer of a domestic servant, whose servant left his employ, has ever been held responsible.

Most employers advise that, if the servant does not give satisfactory service, they will return him to his native land; this, of course, would depend upon the alien's desire to return to his native land, because once he is admitted as a resident, neither the employer nor this Service can force him to leave the United States just because he has left the employ of the person who brought him to the United States. Neither can the employer nor this Service force him to work for the person who brought him to the United States. This act would be peonage.

The result of all this is, that many aliens accept positions as domestics to enter the United States, as they would be unable to enter in any other manner, and after a short duration of time they generally leave the employ of the person who brought them, and seek other fields of work. The Visa Section of the American Embassy in Havana feels that there is no collaboration between the importers and the aliens, and have refused some visas, due to the fact that the master-servant relations were not satisfactorily established.

Thus, the alien who enters as a servant, who would have been unable to be admitted as an immigrant in the United States, due to lack of sufficient guaranties, is able to circumvent our immigration laws in this manner.

Other consular officials made concrete suggestions for solution of this problem. One urged that the domestic servant exemption should be modified so as to insure that only bona fide domestics are admissible, because the aliens who enter as domestics either leave their positions in the United States for more remunerative ones or are discharged on various grounds ranging from total inefficiency to habitual drunkenness. This same view was expressed by another consular officer who stated that 85 percent of the women entering as domestics leave their employers once they are admitted as permanent residents, and take jobs in factories. He suggested that such aliens be admitted as visitors only with contracts showing the place of temporary employment, the employer, and the wages paid, and that the employer be held responsible for the departure of the alien. Another stated that 75 percent of the domestics receiving visas do so under false pretenses and then enter employment which would otherwise make them excludable, and suggested that domestics be admitted as temporary visitors for 1 year only under a bond to assure their departure.

An immigration officer expressed the view that the whole proviso is being so broadly interpreted that it no longer is in line with the congressional intent at the time of the writing of the act.

It is the conclusion of the subcommittee that adequate provision is being made elsewhere in the law for the admission of aliens who are of distinguished merit or ability or who furnish services of an exceptional nature or other needed services or labor and that there is no necessity for retaining provisions of the fifth proviso.

7. SIXTH PROVISO

The sixth proviso to the third section of the 1917 act is the only one which permits the prohibition of entry of certain aliens rather than the entry of otherwise excludable aliens. It reads in its entirety as follows:

That whenever the President shall be satisfied that passports issued by any foreign government to its citizens or subjects to go to any country other than the United States, or to any insular possession of the United States or to the Canal Zone, are being used for the purpose of enabling the holder to come to the continental territory of the United States to the detriment of labor conditions therein, the President shall refuse to permit such citizens or subjects of the country issuing such passports to enter the continental United States from such other country or from such insular possession or from the Canal Zone.

According to an official of the Immigration and Naturalization Service, this proviso was included in the immigration law to supplement the gentlemen's agreement of February 20, 1907, with Japan, and that it has now, in view of the provisions of the Immigration Act of 1924 and Executive Order 10009 of October 18, 1948, outlived its usefulness.

The 1924 act provides that immigration visas shall not be issued to aliens who are inadmissible under the immigration law; visas do not entitle inadmissible aliens to admission; immigrants ineligible for citizenship are inadmissible; and that, generally, the provisions of the 1924 act are in addition to the provisions of the 1917 act and "shall be enforced as a part of such laws."[91] Executive Order 10009 of October 18, 1948, revoked Executive Order 589 of March 14, 1907, and Executive Order 1712 of February 24, 1913, to the extent that such orders were applicable to Japanese or Korean citizens or subjects, who entered the Territory of Hawaii and who were precluded from legally entering or remaining in the continental United States by reason of such Executive orders, for the reason that they were considered to be no longer necessary.

The subcommittee finds that the sixth proviso has now outlived its usefulness in view of Executive Order 10009 and in view of the visa provisions of the Immigration Act of 1924, and recommends that it be deleted from the immigration laws. A general provision is being included in the proposed law to permit the President to suspend any and all immigration whenever he finds such action to be desirable in the best interests of the country.

8. SEVENTH PROVISO

One of the most controversial provisos of section 3 of the 1917 act is the seventh, which reads:

> That aliens returning after a temporary absence to an unrelinquished United States domicile of seven consecutive years may be admitted in the discretion of the Attorney General, and under such conditions as he may prescribe.

This proviso applies only to aliens who have lived previously in the United States, and are returning to a permanent domicile here.

a. Statistics

While all aliens who apply for admission to the United States under the provisions of the seventh proviso are not granted admission under it, a very high percentage are admitted, and the percentage has increased. In the fiscal year ending June 30, 1949, the Immigration and Naturalization Service's reports point out that only a very few of those who are excluded from the country apply for admission under the proviso. This is not indicative of whether its use is abused or not, as not all excluded aliens are able to bring themselves within its provisions. Of the 7,435 applicants for admission to the country who were excluded in 1947, only 240 were granted admission under the seventh proviso.[92] Of the 7,113 applicants for admission to the country who were excluded in 1948 only 223 were granted admission under the seventh proviso.[93]

[91] Secs. 2 (f), 2 (g), 13 (c), and 25; 8 U. S. C. 202 (f), (g), 213 (c), 223.
[92] Immigration and Naturalization Report for 1947, p. 19.
[93] Immigration and Naturalization Report for 1948, p. 29.

The number of aliens admitted under waiver of the seventh proviso for the fiscal years ending June 30, 1947–49, is as follows: [94]

Year	Applications for waiver [1]	Admission authorized		Admission denied
		Number	Percent	
1947	268	240	89	28
1948	248	223	89	25
1949	334	306	91	28

[1] An application may be for more than one person, thus the figures above do not indicate the number of persons admitted under the seventh proviso.

b. Use of seventh proviso

It appears that when the seventh proviso was made a part of the 1917 act that the proviso was intended to give discretionary power to the proper Government official to grant relief to aliens who were reentering the United States after temporary absence, who came in the front door, were inspected, lawfully admitted, established homes here, and remained for 7 years before they got into trouble. For example, where an alien has been convicted of a crime more than 5 years after entry, he would not be deportable by reason of that conviction, but upon returning from a temporary visit abroad, he would be excludable as an alien who has been convicted of a crime prior to entry. If it should be found that he was returning to an unrelinquished domicile in the United States of 7 years, he would then be entitled to have his case considered for exercise of the seventh priviso.

c. Administrative decisions on seventh proviso

The administrative decisions on the subject of the entry of aliens through exercise of the seventh proviso clearly indicate the manner in which it has been applied.

The following quotation from a recent administrative decision involving the use of the seventh proviso illustrates the manner in which the provision has been construed: [95]

> It has been suggested, however, that there is a question whether the discretion granted by the seventh proviso may lawfully be exercised on behalf of an alien whose domicile in the United States had its origin in an illegal entry. As will be detailed below, all indicia show an intent on the part of Congress that it might be so exercised in hardship cases; so to exercise it has been the substantially uniform administrative practice from 1917 to date; and that practice has recently been given at least tacit approval by the Attorney General.

A review of the administrative cases shows that the seventh proviso has been exercised where the alien originally entered the United States on a passport fraudulently obtained, on a passport to which the alien was not entitled, as a deserter, with a fraudulently obtained visa, with a forged visa, or without a visa.

Some of the other decisions of the administrative board throw further light on the use to which the seventh proviso is being put. For instance, an alien seaman who had been deported as having overstayed his permit and who had been convicted of perjury (a crime involving moral turpitude) was admitted under the seventh proviso by being permitted to add to the period of his residence in the United

[94] For detailed information on the use of the seventh proviso, see appendix XII, table 9, p. 880.
[95] Vol. 1, Administrative Decisions Under the Immigration and Naturalization Laws, p. 168.

States the additional months he needed to make up the 7 years, even though they were spent out of the country, on the theory that an involuntary departure does not cut into an unrelinquished 7 years' residence. An alien who was afflicted with class A tuberculosis and went to Canada for treatment was permitted entry under the seventh proviso by adding to the time of her residence here the period of her absence in Canada. An alien who had been convicted of larceny in Michigan (a crime involving moral turpitude) and had returned to his native Yugoslavia for a visit became subject to deportation proceedings upon his returning to the United States but was permitted to remain under the provisions of the seventh proviso.

d. Suggestions on seventh proviso

It has been pointed out that the seventh proviso should be abolished as it is instrumental in demoralizing the Immigration and Naturalization Service and assisting the bad alien to remain in the United States, while at the same time it keeps out the potential good and law-abiding citizen.

As an example of how an otherwise excludable alien may gain entry under the seventh proviso, the subcommittee was told that an alien who has been convicted of some crime involving moral turpitude is precluded from lawful admission into the United States. While such a person cannot obtain an immigration visa from an American consular office, he can enter as a stowaway, as a seaman, or otherwise effect an illegal entry into the United States. After a period of 7 years or more, he may have acquired a family or property here and established in his own mind an intent to remain permanently in this country. When the alien is apprehended by the immigration authorities or he feels that he will be apprehended, he applies for a preexamination border crossing identification card with a view to going to an American consulate in Canada to apply for an immigration visa. When he applies for that card, a preexamination hearing is held by the immigration authorities and it is found that it is a seventh proviso case and the Attorney General has discretionary authority to admit him into the United States as an immigrant for permanent residence, since he is returning to this country, after a temporary absence, to an unrelinquished domicile of seven consecutive years. The result is that the Attorney General may exercise his discretionary authority and authorize the admission of an alien notwithstanding the fact that there is a conviction in the record of his case which would, ordinarily, preclude his lawful entry. After availability of seventh proviso discretion is indicated, the alien is no longer considered excludable and he goes to Canada with the preexamination card, obtains an immigration visa, and returns to the United States as an immigrant.

There has been much criticism of the preexamination and seventh proviso procedure by officers of the Immigration and Naturalization Service, and the State Department, and by officials of various private organizations who appeared before the subcommittee. It was suggested that the law provide that no American consular officer can examine the documents or otherwise take jurisdiction of the case of an alien who is in the United States or who is outside the Consular District, as an aid in breaking down the evils of the preexamination procedure and the attendant vices which have arisen under the current procedure. It was also suggested that further provision of law be

made to prohibit the Immigration and Naturalization Service from promising to Canada or any other foreign country to take an alien back into the United States without a visa. The suggestion was made that if the words "established after a lawful entry for permanent residence" were inserted in the seventh proviso to qualify the domicile of the alien it would effectively eliminate practically all of the objectionable features, and at the same time the Attorney General would be left with sufficient discretionary authority to admit any lawfully resident aliens returning from a temporary visit abroad to a lawful domicile of seven consecutive years.

e. Recommendations on the seventh proviso

The subcommittee recommends that the proviso should be limited to aliens who have the status of lawful permanent residents who are returning to a lawful domicile of seven consecutive years after a temporary absence abroad. They must have proceeded abroad voluntarily and not under an order of deportation to be eligible for the relief. Furthermore, it is the opinion of the subcommittee that the provision should not be applicable in the case of aliens who are excludable under the law as subversives.

9. EIGHTH PROVISO

The eighth proviso to the third section pertains to aliens inadmissible because of the contract labor clause of the same section. It reads:

> That nothing in the contract-labor or reading-test provisions of this Act shall be construed to prevent, hinder, or restrict any alien exhibitor, or holder of concession or privilege for any fair or exposition authorized by Act of Congress, from bringing into the United States, under contract, such otherwise admissible alien mechanics, artisans, agents, or other employees, natives of his country as may be necessary for installing or conducting his exhibit or for preparing for installing or conducting any business authorized or permitted under any concession or privilege which may have been or may be granted by any such fair or exposition in connection therewith, under such rules and regulations as the Commissioner of Immigration and Naturalization, with the approval of the Attorney General may prescribe both as to the admission and return of such persons:

This proviso is applicable only to aliens who wish to enter for a temporary period of time.

It is the opinion of the subcommittee that the provisions of the eighth proviso are no longer necessary and should not be retained in the law.

10. NINTH PROVISO

One of the most controversial provisos of the third section of the 1917 act is the ninth one, which reads:

> That the Commissioner of Immigration and Naturalization with the approval of the Attorney General shall issue rules and prescribe conditions, including exaction of such bonds as may be necessary, to control and regulate the admission and return of otherwise inadmissible aliens applying for temporary admission.

a. Statistics

The ninth proviso is very widely used to permit the entry for temporary periods of aliens who would otherwise be inadmissible and a high percentage of the aliens who apply for such permission are granted it. Following are the numbers of aliens admitted under waiver of the ninth proviso for the fiscal years 1947–49:

Year	Applications for waiver [1]	Admission authorized		Admission denied
		Number	Percent	
1947	617	491	79	126
1948	628	551	87	77
1949	933	784	84	149

[1] An application may be for more than 1 person, thus the figures above do not indicate the number of persons admitted under the 9th proviso.

In the fiscal year of 1947, 617 applications for consideration under the ninth proviso, involving 6,088 aliens, were finally disposed of. Seventy-two applications were for permission to import 5,534 unskilled contract laborers for employment in the United States. Most of the ninth proviso cases involved aliens excludable as mental or physical defectives, criminals, or contract laborers, who applied for advance exercise of the ninth proviso in order to enter the United States temporarily for medical treatment, as border crossers, to visit relatives, to work, or aliens already in the United States who sought an extension of temporary stay. The majority of the aliens were Canadian and Mexican nationals.[96]

The 628 applications during the 1948 fiscal year, exclusive of the agricultural laborers admitted from Mexico, involved 6,009 aliens; 89 of the applications were for permission to import 5,456 unskilled contract laborers for employment in the United States.[97]

b. Importation of contract laborers

The same procedure is followed by persons who wish to import laborers under the ninth proviso as is followed by those who import laborers under the fourth proviso. Once it is determined, however, that skilled laborers are admissible under the fourth proviso there is no particular problem involved, as they come in under the quota of their country and are here for permanent residence. In the case of unskilled laborers who are permitted to enter for temporary periods under the provisions of the ninth proviso, there is the problem of checking to see that they leave the country at the end of their period of admission. In their cases, the importing employer posts bond, set at whatever figure the Commissioner believes to be adequate to protect the United States to assure that the workers are brought in only for a period of time and for the purpose stated in their applications. It is the responsibility of the employer to see to the alien laborer's return, but it is the continuing responsibility of the Immigration and Naturalization Service to see that the employer lives up to that requirement.

An official of the Service informed the subcommittee that among the factors considered by the Service to determine if an alien is coming for a temporary period only are whether or not the alien has an established domicile abroad, whether or not there are factors in the case which indicate an intent to give up that domicile and establish a new one here, his relationship to persons in this country, his financial condition, his ability to avail himself of return transportation, and his passport.

[96] Immigration and Naturalization Report, 1947, p. 17.
[97] Immigration and Naturalization Report for 1948, p. 28.

c. Conclusions and recommendations

An immigration inspector at the Mexican border stated that the ninth proviso is being improperly applied by officials in Washington who cannot understand the facts of the case as well as the immigration officials in the field who have had the benefit of seeing the individual applicants in person. He observed that many aliens who were granted temporary admissions by the central office under the ninth proviso, after deportation or exclusion, had some criminal record or morals charge against them but were admitted because they had proven rehabilitation by means of a few letters which can be purchased in Mexico to show whatever the applicant wishes. He recommended that more credence should be given to the interviewing inspector's report and recommendations and the actual record of the case since the officer is in a position to draw many conclusions from the applicant's appearance, demeanor, and other factors that cannot possibly be known by the persons who review the case and pass on it in Washington.

An official of one of the labor organizations testified that inadmissible aliens should not be permitted to enter the country by means of the ninth proviso since they contribute nothing to the well-being of the country.

Considerable time was devoted at one of the subcommittee hearings to a discussion of the reasons why the State Department refused immigration visas only on 4 grounds when there are 35 or 40 grounds for exclusion of aliens in the law. One of the officials of the State Department testifying on this matter stated that:

> All aliens, when they arrive at the port are subject to exclusion under the various provisions of the immigration laws. But we favor legitimate travel of nonimmigrants. It is a policy of this Government to favor that. And for that reason, we do not require consuls to refuse visas to nonimmigrants on all of the various excluding grounds that would be applicable to the refusal of an immigration visa.
>
> In other words, immigration must be controlled at its foreign source, but most bona fide nonimmigrants are controlled largely at the port of entry. And I mean by that that the Attorney General has discretion and authority under the ninth proviso in section 3 of the act of February 5, 1917, to admit any inadmissible alien for a temporary period. He has said to us in effect, in recommending the regulations, this: You can take it for granted that in four categories of nonimmigrant cases I am not going to exercise my discretion to admit these aliens for a temporary period. In all other cases, 40 or more, you may take it for granted that I may exercise my discretion, and therefore you may grant the nonimmigrant visa.

An immigration official listed the four grounds upon which the Attorney General would never grant admission by use of the ninth proviso: (1) The alien is not a bona fide nonimmigrant; (2) the alien was previously deported from the United States and has not been granted permission by the Attorney General to reapply for admission into the United States; (3) the alien was previously removed from the United States at Federal expense under section 23 of the Immigration Act of 1917 and has not been granted permission by the Secretary of State and the Attorney General jointly to reapply for admission; and (4) the alien's admission into the United States would be contrary to public safety, or, in time of war, the public interest.

Perhaps the greatest danger resulting from use of the ninth proviso was pointed out by an official of the Visa Division of the Department of State who stated that those inadmissible aliens who were admitted temporarily in the discretion of the Attorney General as nonimmi-

grants, could thereafter avail themselves of the preexamination procedure and possibly derive the status of permanent residents.

It is the conclusion of the subcommittee that the ninth proviso should be completely rewritten. While it is desirable to permit the Commissioner of the Immigration and Naturalization Service, in his discretion, to admit certain aliens for temporary residence to take care of the emergency cases which are apt to arise, the subcommittee recommends that the discretionary authority should be circumscribed by certain definite limitations.

It is recommended that an alien who appears to be inadmissible may be admitted temporarily as a nonimmigrant at the discretion of the Commissioner unless such alien is excluded for certain medical reasons, as an immoral alien, as a draft avoider, as an alien seeking admission from foreign contiguous territory under certain conditions, or as a subversive whose admission would endanger the safety or security of the United States. If the alien appears to a consular officer to be inadmissible, the consular officer may communicate with the Commissioner requesting advance exercise of the discretionary authority. If the consular officer receives notice of advance exercise of the authority, he then may issue the alien a visa. The Commismissioner may exercise the authority when an alien arrives at a port of entry either with the required documents, or a waiver thereof.

The conditions of admission, including the exaction of such bonds as may be necessary, shall be prescribed by the Commissioner. The Commissioner shall be required to report to Congress those cases involving the exercise of this authority in the case of aliens excludable as criminals or certain subversives.

11. TENTH PROVISO

The tenth, and last, proviso to section 3 of the 1917 act exempts all accredited officials of foreign governments, and their suites, families, or guests, from the exclusion provisions of section 3. These exemptions also apply to all resident representatives to the United Nations and such members of their staffs as may be agreed upon between the Secretary-General, the Government of the United States, and the member government concerned, as well as resident representatives of specialized agencies of the United Nations and approved members of their staffs. Such aliens are granted all of the privileges and immunities that are accorded to diplomatic envoys of foreign nations to the United States by the United Nations headquarters site agreement.[98] It is expressly provided that in the case of persons whose governments are not recognized by the Government of the United States, the diplomatic privileges and immunities extend only to the headquarters district, their residences and offices outside the district, in transit between the district and such residences and offices, and in transit on official business to or from foreign countries.

The International Organizations Immunities Act[99] makes the exemptions also applicable to representatives of foreign governments and officers and employees of international organizations entitled to the privileges under that act and the members of their immediate families.

[98] 61 Stat. 756.
[99] 59 Stat. 669.

The number of international organization officials has increased in the last few years, while on the whole, the number of government officials has remained fairly constant since the end of hostilities. In the fiscal year 1948, 16,822 officials of foreign governments and 4,059 international organization officials were admitted. Admissions in the fiscal year 1946 were 17,031 and 658, respectively.[1]

a. Conclusions and recommendations

There has been little comment on this proviso. Some officials of the Immigration and Naturalization Service suggested elimination of "guests" from the exemptions. Another official of the Immigration and Naturalization Service testified that he did not see why a Government official should be permitted to bring a guest who would not be subject to the immigration laws. He said that foreign officials may bring in as many guests as they wish, and the guests have the same status as the Government officials themselves. He asserted that this happens more on the Mexican border than overseas, although it is frequent there also.

It is the opinion of the subcommittee that customs and practice of international and diplomatic protocol, as well as certain constitutional limitations, justify the exemption of certain foreign diplomats from the provisions relating to the exclusion and deportation of aliens. The present exemption under the tenth proviso is too broad, as it fails to distinguish between those officials entitled to diplomatic status and lesser officials. Some of the aliens who fall within that classification should be subject to the exclusion and deportation provisions of the law, especially the clauses relating to the entry of subversives. It is recommended, therefore, that except in the case of aliens who are accorded diplomatic status, the exemptions from the exclusion and deportation provisions should be substantially narrowed. The manner in which this is to be accomplished is discussed in more detail in chapter V [2] in connection with the treatment of foreign government officials and international organizations' representatives and employees as admissible classes of aliens, and in part 3 [3] dealing with subversives.

C. Deportable Classes of Aliens

1. EXISTING LAW

It was not until the Immigration Act of 1917 [4] that an elaborate list of the causes for deporation and the limits of time within which the various classes of deportable aliens might be deported were included in the law. Under the provisions of section 19 of that act, which is presently in effect, a number of classes of aliens are deportable at any time after entry. Briefly, those classes are: (1) Aliens who entered or are found in the United States in violation of law; (2) aliens found advocating the unlawful destruction of property or advocating the overthrow of the Government by force or violence, or advocating the overthrow of all forms of law; (3) aliens who within 5 years after entry become public charges from causes not affirmatively shown to

[1] See appendix XII, table 12.
[2] See p. 523.
[3] See p. 799.
[4] 39 Stat. 874,889 as amended; 8 U. S. C. 155.

have arisen subsequent to landing; (4) aliens sentenced to serve one or more years of imprisonment for commission in this country within 5 years of entry of crimes involving moral turpitude, or sentenced more than once to such a term of imprisonment for the commission of such crimes at any time after entry; (5) prostitutes or those connected with prostitution; and (6) aliens convicted or who admit the commission of, prior to entry, crimes involving moral turpitude.

Any alien who, at the time of entry, was a member of any one of the classes excluded by law is deportable within 5 years after entry. A 3-year limitation after entry is fixed for the deportation of aliens who enter by land or water at places other than those designated by immigration officials as ports of entry, or who enter without inspection. All deportable aliens are subject to be taken into custody and be deported upon the warrant of the Attorney General.

There are five provisos to section 19 of the 1917 act. The first states that the marriage of an alien prostitute to an American citizen after her apprehension will not stay deportation. The second makes the section inapplicable to aliens convicted of crimes involving moral turpitude who have been pardoned. The third subjects the aliens to the above provisions irrespective of the time of their entry, with the exceptions noted, and makes the section applicable to aliens who come to the mainland of the United States from the insular possessions of the country. The fourth states that aliens deported in accordance with the provisions of laws other than section 19 shall be deported to the countries specified in such other laws. The fifth provides that under any deportation order the decision of the Attorney General shall be final.

Subsection (b) of section 19 lists five more classes of aliens who are subject to deportation which are in substance as follows:

(1) Any alien who, within 5 years after entry, knowingly and for gain, aided or abetted any other alien to enter or to try to enter the United States in violation of law; (2) any alien who, at any time after entry, shall have on more than one occasion, knowingly and for gain, aided or abetted any other alien to enter the United States in violation of law; (3) any alien who, at any time after entry, has been convicted of possessing or carrying certain firearms in violation of any law; (4) any alien who, at any time within 5 years after entry, has been convicted of violating the provisions of title I of the Alien Registration Act, 1940; and (5) any alien who, at any time after entry, shall have been convicted more than once of violating the provisions of title I of the Alien Registration Act, 1940.

2. DEPORTATION OF PERSONS EXCLUDABLE AT TIME OF ENTRY

Under section 19 of the 1917 act, any alien who, at the time of entry, was a member of one or more of the classes of aliens excluded from admission to the United States may be deported at any time within 5 years after entry. It is the recommendation of the subcommittee that the time limitation on their deportation after entry should be eliminated. If the cause for exclusion existed at the time of entry, it is believed that such aliens are just as undesirable at any subsequent time as they are within the 5 years after entry.

3. DEPORTATION OF PERSONS WHO BECOME PUBLIC CHARGES

The 1917 Immigration Act provides that any alien who becomes a public charge at any time within 5 years after entry from causes not affirmatively shown to have arisen subsequent to landing, shall, upon the warrant of the Attorney General, be taken into custody and deported.[5]

It is the conclusion of the subcommittee that all aliens who become public charges any time after entry from causes not affirmatively shown to have arisen after entry should be subject to deportation at any time. Information available to the subcommittee indicates that in some cases where persons are institutionalized because of mental deficiency they escape deportation as a public charge by payment of the minimum charge of public institutions which does not represent the full cost to the taxpayer. It is recommended, therefore, that all aliens who become institutionalized because of mental deficiency within 5 years after entry should also be deportable.

4. DEPORTATION FOR COMMISSION OF CRIMES INVOLVING MORAL TURPITUDE

Section 19 of the 1917 act provides for the deportation of any alien who, subsequent to entry, is sentenced to imprisonment for a term of 1 year or more because of conviction in this country of a crime involving moral turpitude, committed within 5 years after the entry, or who is sentenced more than once to such a term of imprisonment because of conviction in this country of such a crime committed at any time after entry.[6] As has already been observed, any alien who has been convicted of or admits the commission of a crime involving moral turpitude prior to entry is subject to deportation upon the warrant of the Attorney General.

The provisions relating to the deportation of aliens convicted of a crime involving moral turpitude do not apply to an alien who has been pardoned. Nor do they apply in the instance where the court or judge thereof shall recommend at the time of the imposition of the judgment or within 30 days thereafter to the Attorney General that the alien not be deported. Nor shall any alien be deported until the termination of his sentence.

For many years the Immigration and Naturalization Service contended that the provision relating to crimes committed prior to entry encompassed crimes committed prior to any entry. Decisions of the Federal courts can be found construing the provisions as meaning prior to any entry and also prior to the original entry. It was thought that the Supreme Court had resolved this dispute by the Volpe case [7] which held that the phrase "prior to entry" meant prior to any entry. In more recent cases the Supreme Court has decided, however, that to suffice as an entry under section 19 the entry must be a voluntary one.[8]

Persons sentenced more than once to a term of 1 year or more for crimes involving moral turpitude are deportable. There existed for some time a question as to whether that terminology made persons

[5] 39 Stat. 874, 889, sec. 19; 8 U. S. C. 155 (a).
[6] 39 Stat. 874, 889 as amended; 8 U. S. C. 155.
[7] *U. S. ex rel Volpe* v. *Smith* 289 U. S. 422 (1933).
[8] *Di Pasquale* v. *Karnuth* 158 F. 2d 878 (1947); also see *Delgadillo* v. *Carmichael* 332 U. S. 388 (1947).

who had been sentenced concurrently on two or more counts subject to those provisions. This question was resolved by the decision in the case of *Wallis* v. *Tecchio*.[9] That case arose out of a habeas corpus proceeding which sought the release of a man who was being held for deportation on the charge that he had been sentenced more than once to a term of more than 1 year. Tecchio had been convicted on four counts and sentenced to 2 years on each count, the sentences on counts 3 and 4 to be concurrently served with those on counts 1 and 2. After serving 4 years, he was arrested and held for deportation. The sole question to be decided was whether Tecchio had been sentenced more than once within the contemplation of section 19. The court held that he had not, stating that being sentenced more than once meant a conviction or plea of guilty with consequent sentence on two separate occasions.

Section 19 provides that deportation shall not take place until the termination of the sentence. In interpreting this phrase, there was some dispute as to whether a person who had been convicted, sentenced and then was paroled after serving less than the full sentence could be deported. The courts had held that a parole did not constitute "termination of imprisonment" as the law requires. This interpretation was later legislatively rejected by the passage of the act of March 4, 1929,[10] which provided that imprisonment shall be construed as terminated upon the release of the alien from confinement, whether or not he is subject to rearrest or further confinement for the same offense.

Since the immigrant must be sentenced to a term of 1 year or more, indeterminate sentences also required an administrative and judicial determination. It has been judicially determined that indeterminate sentences are within section 19 if the maximum punishment under such sentence exceeds 1 year.[11]

In summary, these are the provisions of law relative to deportation of aliens who have been convicted of or admit the commission of crimes involving moral turpitude as judicially interpreted: (1) The admission of or conviction of a crime involving moral turpitude prior to any voluntary entry into the United States subjects an alien to deportation; (2) "sentenced more than once" requires a conviction or plea of guilty with consequent sentence on two separate occasions; (3) termination of sentence occurs when the alien is released from confinement; and (4) indeterminate sentences are sentences for a term of 1 year or more within the meaning of section 19 when the maximum punishment exceeds 1 year.

It is the opinion of the subcommittee that the deportation provisions with respect to aliens who have been convicted of a crime involving moral turpitude should be retained in the law with some modification. The subcommittee holds that there is ample justification for subjecting to deportation at any time after entry, aliens who were convicted or who admit the commission of such a crime, prior to entry into this country.

As to such crimes committed subsequent to the time of the alien's entry, it is held that deportation should be required, in the case of a single conviction, only if the conviction occurred within 5 years after

[9] 65 F. 2d 250 (1933).
[10] 45 Stat. 1551, 8 U. S. C. 180b.
[11] *U. S. ex rel. Paladino* v. *Commissioner of Immigration*, 43 F. (2d) 821, 1930.

entry and resulted in confinement in a prison or corrective institution for a year or more. In the case of an alien convicted of two such crimes at any time after entry not arising out of a single scheme of criminal misconduct, the alien is deportable regardless of whether sentenced to confinement.

Furthermore, it is the recommendation of the subcommittee that any alien who at any time after entry is convicted in this country of a criminal offense not comprehended within the other categories shall be deportable if the Commissioner concludes that the alien is an undesirable resident.

5. DEPORTATION OF IMMORAL ALIENS

The time limitation on the deportation of aliens found to be members of one of the immorally excludable classes differs depending upon the class to which the alien belongs. In the case of polygamists, or persons who practice, believe, or advocate it, the time limit is 5 years after entry, while in the case of prostitutes or persons connected with it there is no time limitation and they may be deported at any time.

Section 19 of the 1917 act still provides that in the case of the marriage of a female of the sexually immoral classes to an American citizen after her arrest or after the commission of acts which make her subject to deportation, the marriage will not vest her with American citizenship so as to stay her deportation. This provision, of course, is unnecessary, as no marriage to an American citizen now vests anyone with American citizenship without positive action on the alien's part in the way of petitioning for naturalization.

Every effort has been made to exclude or deport aliens who are members of the immoral classes and to prevent stay of deportation in their cases. Under the ninth proviso to section three of the 1917 act, the Attorney General may, however, in his discretion, permit any alien to enter the United States for a temporary period.

Probably the chief problem in the administration of the deportation of prostitutes was stated by an immigration official as follows:

> It has been held that an alien woman in the United States who engages in sexual intercourse for money or other consideration is not a prostitute as long as she has some other vocation or work which she follows along with her practicing of prostitution, and it has been almost impossible within the past few years in this area to make a case on an alien prostitute because of the fact that almost without exception prostitutes plying their trade have some other position in connection therewith or as a blind. Usually the system is for an alien prostitute to obtain employment as a barmaid or waitress in a saloon or beer-dispensing establishment and ply her trade among the customers; however, some prostitutes occupy other positions such as sales girls and the like, where they do not make their contacts on the job but ply their trade in other places after work. When evidence is obtained and when one of these persons is apprehended, we are unable to deport her if she has any other position for which she is paid any remuneration that could be considered as contributing to her support. It is believed that there are numerous alien women of the character described within the areas in the border States who could and should be deported if the statute was amended to clearly define the considerations to be taken under the law when an alien woman is found practicing prostitution, and it is respectfully recommended that part of section 155, title 8, U. S. C. be amended to define practicing prostitution to be having sexual relations for hire regardless of any other means of support in which she may be engaged.

It is the conclusion of the subcommittee that prostitutes, those who deal in that trade, and other immoral aliens should be deportable at any time after entry. The excludable classes of immoral aliens, as

reconstituted, should include a comprehensive classification of immoral aliens deemed undesirable and should be broad enough to include all aliens who engage in sexual relations for hire regardless of whether they have other means of support or other employment. Those aliens are deportable at any time after entry whether they were a member of the excluded class at the time of admission or subsequently become a member of such excluded class.

D. Alien Enemies

1. INTRODUCTION

In addition to the aliens excluded by section 3 and deportable under section 19 of the 1917 act, there is the large group known as enemy aliens over whom the Government of the United States has the power of exclusion, detention, and removal. Alien enemies are persons, who, in wartime, are found in a country which is hostile to the country of which they are citizens, subjects, nationals, or denizens. While the law which governs them is different from the law which is applicable to other excludable and deportable aliens under our immigration laws, they are a group which, during a period of war in which the United States is involved, become subject to exclusion, detention, and removal.

The law under which enemy aliens are detained or removed dates back to the very early days of the country and its precedents are even older in origin.

2. THE ALIEN ENEMY ACTS

In 1798, Congress enacted the Alien Enemy Acts,[12] which with very little change are still the law today. That original act provided, in substance, that whenever a state of war exists between the United States and any foreign nation or government, or invasion is threatened against the territory of the United States by any foreign nation or government, the President may after public proclamation of such event, provide for the exclusion, detention, or removal of all natives, citizens, denizens, or subjects of the hostile nation or government, 14 years and over, within the United States under such regulations as he finds to be necessary for the public safety. Adequate provision is made for the removal of such alien enemies, who are required to depart from the country.

3. THE ALIEN ENEMY SITUATION DURING THE FIRST WORLD WAR

The declaration of war or of a national emergency has always brought into effect the provisions of the Alien Enemy Act of 1798, but the Presidential proclamations and Executive orders issued pursuant thereto have varied in detail and in the effect they have had upon the freedom and rights of enemy aliens. Just as prior wars have never presented the large-scale problems and active participation of the entire population of the First World War the alien enemy problem has never before been so widespread or intensively carried out as during World War I.

[12] 1 Stat. 577; 50 U. S. C. 21.

The proclamations and laws issued during the First World War afford a number of precedents for the action taken during World War II. On the day of formal declaration of war by Congress on April 6, 1917, President Wilson issued a proclamation establishing certain regulations pertaining to male alien enemies 14 years of age or older,[13] which among other things forbade alien enemies to aid or abet enemy attacks against the Government in writing; from residing in restricted areas; to depart from the United States without a required permit; and to enter the United States, except under such restriction and at such places as the President might prescribe. The proclamation also provided that the President might order the internment of any alien enemy who he had reasonable cause to believe was endangering the public safety by violating any provisions of the proclamation and required registration of all alien enemies if deemed necessary to prevent violations of the regulations of the proclamation.

On July 26, 1917, a joint order was issued by the Departments of State and Labor requiring a valid passport of all aliens desiring to enter the United States, except those entering from Canada, and directing that all such passports be visaed by a consular officer of the United States in the country from which the alien embarked for the United States, or if he was coming by land, from which he would enter the United States. By the same order all aliens, except duly accredited officials of foreign nations were required to furnish to the American consular officer to whom they applied for a visa a written declaration setting forth the applicant's name, occupation, and his nationality and the names and places of birth of the members of his immediate family who were to accompany him. The following facts were also required in the statement: (1) The date and place of the applicant's birth; (2) nationality and race of his father and mother; (3) the place of the bearer's last foreign residence and the other places, if any, where he had resided within the 5 years previous to the date of application; (4) the dates and places of prior visits or residence in the United States, if the applicant had ever been in the United States previous to the wartime application; (5) the date set for the alien's embarkation to the United States, the port of embarkation, and the name of the vessel upon which he intended to sail, if he was to arrive by water; (6) the names and addresses of persons acquainted with the applicant in the country of embarkation; (7) the expected duration and the object of the proposed visit to the United States, as well as the documentary or other proof of such object and the place or places in the United States where he expected to visit or reside; (8) that the bearer knew and understood the exclusion provisions of section 3 of the 1917 Immigration Act and that he was certain he did not fall within any of the excluded classes; (9) that the alien understood, if on arrival at a port of the United States, he was found to be a member of a class excluded by the immigration law, he would be deported if practicable, or if for any reason deportation should be found to be impracticable, would be held in detention indefinitely and that he, with full understanding, assumed all risks involved in a possible return trip in consequence of being rejected under such law. A wife or minor child who did not intend to reside with the husband or father in the United States was required to carry a separate declaration.

[13] 40 Stat. 1650.

It was further provided that "no American embassy, legation, or consulate shall visa a passport of an alien enemy of the United States to enable him to enter this country unless special authorization of his government has been previously obtained." All aliens unable to establish positive proof of their identity and nationality upon applying for admission to the United States, would be taken into custody as enemies if they should enter the country and would thereby become liable to deportation. Such aliens were to be deported to the country from which they came at the expense of the transportation company by which they entered. Exempt from the above provisions were alien seamen, unless they were entering for permanent residence, or it could not be determined whether or not they were alien enemies. The proclamation stated, however, that "alien seamen not provided with passports or other official documents showing their identity and nationality may be detained until they receive passports from the consular representatives of the countries whose nationality they claim." Other aliens exempt from the provisions of the proclamation, were aliens entering temporarily from contiguous foreign territory to follow agricultural pursuits, in accordance with the terms of the agreement of May 23, 1917.

The President issued another proclamation on December 11, 1917,[14] in which he stated that a state of war existed between the United States and Austria-Hungary and warned all male aliens 14 years of age or older of that nationality in the United States to preserve the peace and public safety of the United States. Should any of the alien enemies of that nationality fail to observe the prescribed conduct they were to be liable to restraint, to give security, or to remove and depart from the United States in the manner set forth in the Alien Enemy Act of 1798. Departure and entry of Austro-Hungarian aliens into the United States was prohibited except in the manner prescribed by the regulations, and "every person of whom there may be reasonable cause to believe that he is aiding or about to aid the enemy, or who may be at large to the danger of the public peace or safety, or who violates or attempts to violate, or of whom there is reasonable ground to believe that he is about to violate any regulation duly promulgated by the President, or any criminal law of the United States, or of the States or Territories thereof, will be subject to summary arrest by the United States Marshal, or his deputy or such other officer as the President shall designate, and to confinement in such penitentiary, prison, jail, military camp, or other place of detention as may be directed by the President."

Subsequent to these proclamations, Congress enacted in May 1918 an act to prevent departure or entry into the United States which would be contrary to the public safety.[15] That act made it unlawful for any alien "to depart from or enter or attempt to depart from or enter the United States except under such reasonable rules, regulations, and orders, and subject to such limitations and exceptions as the President might prescribe."

A Presidential proclamation of August 8, 1918,[16] attempted to tighten further the regulations pertaining to the entry and departure of alien enemies by providing that no alien should be permitted to

[14] 40 Stat. 1729.
[15] 40 Stat. 559.
[16] 40 Stat. 1829.

depart from or enter the United States unless it affirmatively appeared that there was a reasonable necessity for his departure or entry and that the departure or entry was not prejudicial to the interests of the United States.

On the same date, the President issued Executive Order 2932 to supplement the regulations of the proclamation, which made detailed provisions in and regard to the entry and exit of all alien enemies, as well as the entry and exit of United States citizens.

In view of the many thousands of alien enemies detained or removed during the last war, it is interesting to note that during the First World War only some 6,300 alien enemies were arrested under Presidential warrants, issued pursuant to the authority of the Alien Enemy Act of 1798. Approximately 3,300 were "restrained" by parole and about 3,000 were "secured" by internment. The majority were German seamen who were caught in American ports when war was declared and most of them were repatriated voluntarily.[17]

4. LEGISLATIVE AND EXECUTIVE PROCEDURE DURING WORLD WAR II

On September 8, 1939, the President issued a proclamation which declared the existence of a limited national emergency and directed measures "for the purpose of strengthening our national defense within the limits of peacetime authorizations." [18] On May 27, 1941, another Presidential proclamation [19] declared that "an unlimited national emergency confronts this country, which requires that its military, naval, air, and civilian defenses be put on the basis of readiness to repel any and all acts or threats of aggression directed toward any part of the Western Hemisphere." Although these orders were prior to the actual declaration of war by the United States, they gave the President the power to put into effect any war or emergency powers which he might deem necessary to insure the safety and well-being of the United States.

He used this authority on November 14, 1941, when he issued a proclamation declaring the continued existence of the national emergency and proclaiming that no alien was to be permitted to depart from or attempt to depart from the United States unless he had a valid permit issued by the Secretary of State or unless he was exempted from obtaining a permit by such rules and regulations as the Departments of State and Justice might formulate in accordance with the terms of the proclamation. Aliens were also forbidden to depart from the United States at any place other than a port of entry or departure designated by either the Attorney General, the Commissioner of Immigration and Naturalization, or by an appropriate permit-issuing authority designated by the Secretary of State. No alien was permitted to depart from the United States if it appeared to the satisfaction of the Secretary of State that such departure would be prejudicial to the interests of the United States, as provided in the rules and regulations to be prescribed by the Secretary of State with the concurrence of the Attorney General. The entrance of alien seamen employed on vessels arriving at ports of entry in the United States was also restricted, and it was specifically provided that the

[17] Monthly Review of the Immigration and Naturalization Service, October 1945, p. 205.
[18] 4 F. R. 3851.
[19] 6 F. R. 2617.

"validity of a permit to enter or a permit to depart, issued to an alien, may be terminated by the permit-issuing authority or by the Secretary of State at any time prior to the entry or departure of the alien, provided that the permit-issuing authority or the Secretary of State is satisfied that the entry or departure of the alien would be prejudicial to the interests of the United States which it was the purpose of the above-mentioned acts to safeguard."

The following month, the United States was attacked at Pearl Harbor, and on the day of the attack, the President issued Proclamation 2525 [20] declaring the existence of a state of war between the United States and Japan. Acting under the authority granted him by the Alien Enemy Acts of 1798, he proclaimed and directed the conduct to be observed on the part of the United States toward all alien enemies in the United States.

This proclamation of December 7, 1941, charged the Attorney General with the duty of executing all of the regulations contained in the proclamation which pertained to the conduct of alien enemies within the continental United States, Puerto Rico, the Virgin Islands, and Alaska, and charged the Secretary of War with the duty of executing the regulations which pertained to the conduct of alien enemies in the Canal Zone, the Hawaiian Islands, and the Philippine Islands. Each of them was specifically directed to cause the apprehension of such alien enemies as in their judgment were subject to apprehension or deportation under the regulations of the proclamations.

On December 8, 1941, the President issued two more proclamations, which made all of the regulations contained in the proclamation of December 7, 1941, pertaining to the Japanese aliens applicable to all German and Italian aliens in the United States or its Territories.[21]

In July 1942 the President issued another proclamation [22] which extended the applicability of certain of the restrictions on alien enemies, invoked under authority of the Alien Enemy Acts by the previous proclamations, to natives, citizens, denizens, or subjects of Hungary, Rumania, and Bulgaria.

The foregoing proclamations and all of the rules and regulations prescribed by the State and Justice Departments under their authortiy governed the conduct of all alien enemies in the United States during the actual hostilities of the war. The policy of the Justice Department in regard to alien enemies and their rights during time of war was stated in a lecture by an alien parole officer:

> While our criminal statutes are considered adequate to protect the safety of this country in times of peace, it is necessary in times of war to institute additional measures to insure against action being taken by individuals that will be harmful to our security. These precautionary measures taken to prevent danger differ from those imposed by our criminal statutes in that they are not considered to have any penal implications. It is merely a recognition that in times of war there are many persons whose loyalty to an enemy country becomes evident to the extent that we must remove from such persons the opportunity for aiding our enemy. They are not punished for such loyalty—we only take the steps necessary to prevent their doing harm to us.

It was not until the end of hostilities that the President issued a proclamation which provided for the removal of alien enemies from the

[20] 55 Stat. 1700.
[21] 55 Stat. 1705; 55 Stat. 1707.
[22] 56 Stat. 1970.

United States. That proclamation, dated July 14, 1945,[23] read in part as follows:

All alien enemies now or hereafter interned within the continental limits of the United States pursuant to the aforesaid proclamations of the President of the United States who shall be deemed by the Attorney General to be dangerous to the public peace and safety of the United States because they have adhered to the aforesaid enemy governments or to the principles of government thereof shall be subject upon the order of the Attorney General to removal from the United States and may be required to depart therefrom in accordance with such regulations as he may prescribe.

On September 8, 1945, the President issued another proclamation[24] which provided for the removal of all alien enemies—

within the continental limits of the United States (1) who were sent here from other American Republics for restraint and repatriation pursuant to international commitments of the United States Government and for the security of the territory of the United States and its associated powers and (2) who are within the territory of the United States without admission under the immigration laws are, if their continued residence in the Western Hemisphere is deemed by the Secretary of State prejudicial to the future security or welfare of the Americas as prescribed in Resolution VII of the Inter-American Conference on Problems of War and Peace, subject upon the order of the Secretary of State to removal to destinations outside the limits of the Western Hemisphere in territory of the enemy governments to which or to the principles of which they have adhered. The Department of Justice and all other appropriate agencies of the United States Government are directed to render assistance to the Secretary of State in the prompt effectuation of such orders of removal.

The proclamation of September 8, 1945, was superseded by a proclamation issued on April 10, 1946,[25] which gave the Secretary of State wider powers over the removal from the United States of alien enemies from the Americas by providing that—

1. All alien enemies within the continental limits of the United States brought here from other American Republics after December 7, 1941, who are within the territory of the United States without admission under the immigration laws, shall, if their continued residence in the Western Hemisphere is deemed by the Secretary of State to be prejudicial to the future security or welfare of the Americas, be subject upon the order of the Secretary of State to removal from the United States and may be required to depart therefrom in accordance with such regulations as the Secretary of State may prescribe.
2. In all cases in which the Secretary of State shall have ordered the removal of an alien enemy under the authority of this proclamation or in which the Attorney General shall have ordered the removal of an alien enemy under the authority of Proclamation No. 2655 of July 14, 1945, 30 days shall be considered, and is hereby declared to be, a reasonable time for such alien enemy to effect the recovery, disposal, and removal of his goods and effects, and for his departure.

5. HEARING AND REVIEWS OF ALIEN ENEMY CASES

During 1941, the Immigration and Naturalization Service was called upon to expand and assume certain duties which had been assigned to it in connection with the war efforts. Plans had been laid down prior to the actual outbreak of hostilities to deal with the enemy alien program, and were therefore put into effect when the United States was attacked. At that time there were in the country over 600,000 Italian aliens, over 300,000 German aliens, and about 90.000 Japanese aliens (including those in Hawaii).[26]

[23] 59 Stat. 870.
[24] 59 Stat. 880.
[25] 60 Stat. 1342.
[26] Immigration and Naturalization Report, 1942, pp. 3-6.

The Immigration and Naturalization Service was given the task of holding in custody all enemy aliens apprehended by the Federal Bureau of Investigation or any other agency, or taken into custody by the Service itself, until the case of each such alien enemy was determined. Civilian boards under the supervision of the various United States attorneys were set up throughout the country and every alien enemy apprehended by the Government was given a chance to be heard. This fact is noteworthy since, according to an official of the Immigration Service—

> These hearings are not a matter of right since an alien enemy is subject to apprehension and internment without trial. However, in order that internment procedure might conform closely with American standards of fair play and in order to prevent arbitrary action, it was determined that all alien enemies apprehended in the United States should have hearings.

The boards were composed of representative community members selected on the basis of their understanding and judgment, appointed by the Attorney General in each Federal judicial district. Each board was comprised of a chairman and at least two other members. In the districts where large numbers of alien enemies were apprehended, several boards were appointed to take care of the cases. Members of the boards served without salary, the boards meeting at night for 2 or 3 hours on one or more nights of each week. They were not vested with the power to dispose of the cases which they heard but were only authorized to make recommendations to the Attorney General. Recommendations might be for unconditional release, parole under conditions designated by the board, or for internment for the duration of the war. If parole was recommended, the board was to make suggestions as to persons who might make suitable sponsors. Hearings were usually held in the order of apprehension of the alien enemies, although special consideration was given in the cases which involved personal hardship. Alien enemies were given notice of the date of the hearings far enough in advance to allow them to obtain evidence and whatever witnesses they might wish to call in their defense. Hearings were usually held in the district in which the alien enemy was apprehended, although in some instances on the west coast the hearings were held inland at the various detention centers due to the large number apprehended in any one district. In most of the cases of inland hearings, the local boards traveled inland to conduct the hearings. In cases where the alien was apprehended at a place other than his home district, he was usually taken to his home district for the hearing, unless the place of apprehension was at such a distance from the home district that the expense of transportation would be unduly great.

The procedure was described by an immigration official as follows:

> The alien enemy may have present at the hearing a relative, friend, or other adviser under conditions similar to those existing before boards of special inquiry. The adviser may present testimony as a witness but he may not object to questions or make any other argument for the alien enemy. He may be an attorney but may not act as such before the board.
>
> The United States attorney acts as administrative officer for the board and prepares the cases in advance for presentation to it. The board, however, is required to examine all of the relating evidence and arrive at its own conclusions independently of the United States attorney. Present also at the hearing, for such assistance as the board may require, are representatives of the Immigration and Naturalization Service and the Federal Bureau of Investigation.

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The information developed by the Federal Bureau of Investigation, and that in the hands of the Immigration and Naturalization Service, is presented to the board by these representatives or by the United States attorney who makes recommendations as to the disposition of each case. In addition, the alien enemy is ordinarily questioned extensively. He is usually made aware of the charges against him, the only exception to this being those cases where the disclosure of such information might be of value to the enemy. The hearings are entirely confidential and the recommendation of the hearing board should never be disclosed. * * *

The alien enemy hearing boards are not bound by any rules of evidence and they may consider the types of evidence which they deem most persuasive. Many factors are necessarily taken into consideration in arriving at a recommendation in any particular case and it is impossible to particularize the type of evidence which may be received by an alien enemy hearing board. * * *

A complete summary of the hearing and the evidence considered is submitted by the United States attorney to the Attorney General through the Alien Enemy Control Unit. This summary contains the recommendation of the hearing board, the recommendation of the United States attorney, and sufficiently detailed information to support these recommendations.

In cases in which the evidence was incomplete or in which there had been a lack of testimony favorable to the alien enemy, he might request a reopened hearing by writing to the United States attorney who originally handled the hearing. The United States attorney then determined whether such new evidence warranted a reopened hearing. Requests for a rehearing had to contain substantial factual information by affidavit or otherwise relating to character activities and loyalty of the alien enemy, the reliability of the persons who were to testify for him, and the opportunities for such persons to observe his conduct. If the United States attorney felt that the request for a rehearing was warranted, he presented it to the hearing board. Rehearings were allowed the alien enemy because of "the desire to follow the democratic principle of allowing the alien enemy complete opportunity for presenting the facts relative to his case."

The final decision in each case rested in the Attorney General, to whom were sent all of the recommendations of the boards, together with the record upon which they were based. The information was turned over to an Alien Enemy Control Unit in the Department of Justice. Usually a case was reviewed and a decision arrived at within 2 weeks, but in some instances a case was referred back to the United States attorney for further investigation or submission of additional material where it appeared that the hearing board's recommendation was not fully supported by the record or that the record was incomplete. The decision of the Control Unit was forwarded to the central office of the Immigration and Naturalization Service, which in turn forwarded the order, either of release, parole, or internment, to the appropriate local detention center.

6. REMOVAL PROCEDURE

The Repatriation Hearing Board set up in the Department of Justice is composed of an Assistant Attorney General and two officers from the Alien Control Unit. This Board reviews all removal cases before the alien enemies concerned are removed from the country.

The duty of this Board is to prepare files and draw up summaries of all alien enemies who have been either paroled or interned by the United States Government. When the Board decides upon removal of an alien enemy, written notice is sent to the alien to allow him to

state whether he would like to be heard. If he elects to be heard, the hearing is held by the United States attorney's office in his district. The United States attorney notifies the Attorney General upon the conclusion of the hearing, and he in turn signs and issues the removal order if warranted.

Most of the hearings have been held either at Ellis Island or at Crystal City, Tex., the locations of the greatest number of internees. Nearly all aliens who have been notified by the Repatriation Hearing Board have requested hearings, although some three or four have foregone the hearing. All alien enemies whose cases were considered by the Board have either been removed, released, or are still in the country pending the outcome of their cases by the courts. These cases have come up before the courts on writs of mandamus or habeas corpus and question the right of the Government either to remove them, or, in some instances, where the alien has been denaturalized, the power to do so.

7. COURT DECISIONS PERTAINING TO ALIEN ENEMIES

That the courts have consistently upheld the power of the President to control alien enemies is evidenced by their decisions from the earliest times. One of the most important and best known of the early cases was *Brown* v. *The United States*,[27] in which the Court stated that:

> Respecting the power of government no doubt is entertained. That war gives to the sovereign full right to take the persons and confiscate the property of the enemy wherever found, is conceded.

Another early decision which is important for the detail with which it discusses the power of the President in time of war in regard to alien enemies, is that of *Lockington* v. *Smith*.[28] It discusses the reasoning behind the Alien Enemy Act as the Court saw it, as well as the lack of power the courts have to determine the restraint necessary in each case. The decision reads, in part:

> The power of the President under the first section of the law, to establish by his proclamation or other public acts, rules and regulations for apprehending, restraining, securing, and removing alien enemies, under the circumstances stated in that section, appears to me to be as unlimited as the legislature could make it. He alone is authorized to direct the conduct to be observed on the part of the United States toward such alien enemies, and to prescribe the manner and degree of restraint to which they should be subject; to declare in what cases, and on what terms, their residence should be permitted, and to provide for the removal of those whom he should not permit to remain in the United States, and who should refuse or neglect to depart; and, to avoid all doubt as to the extent of his power, he is authorized in general and unqualified terms, to establish any regulations which he should think necessary in the premises, and for the public safety. There is not, I think, the slightest ground for the argument, that every restraint or confinement of an alien enemy is unauthorized by this law, unless it be made with a view to his removal from the United States. * * * It seems perfectly clear, that the power to remove was vested in the President, because, under certain circumstances, he might deem that measure most effectual to guard the public safety. But he might also cause the alien to be restrained or confined if in his opinion the public good should forbid his removal. If then the President was authorized to direct the confinement of alien enemies, without intending to remove them, I am of opinion that the powers vested in him, necessarily conferred all the means of enforcing his orders; and since it would be absurd to suppose that the President could personally enforce his own decrees, it follows that he might direct others to do it; and what officer of the Government could, with so much propriety, be clothed with this

[27] 8 Cr. 110, 122 (1814).
[28] 15 Fed. Cases, No. 8448 (Cir. Ct., D. Pa., 1817).

authority, as the marshal of the several districts? The third section of the law applies to the single case of a removal from the United States, in which case the marshal, by the express provisions of that section, is to act under the warrant of the President: But, in all other cases coming within the provisions of this law, the authority of the marshal to carry into execution the regulations and orders of the President, is implied in the power conferred on the President to establish these regulations.

It is * * * contended, that after the President has established such regulation as he may think necessary, the judicial authority must in every instance be resorted to to enforce them, and that the marshal can act only under such authority. Such a construction would, in my opinion, be at variance with the spirit as well as with the letter of the law, the great object of which was to provide for the public safety, by imposing such restraints upon alien enemies, as the Chief Executive Magistrate of the United States might think necessary, and of which his particular situation enabled him best to judge.

In recent years, the Court in its decision in the case of *Citizens Protective League et al.* v. *Clark* [29] gave the following summary of the histories behind the act of 1798:

The Alien Enemy Act is constitutional, both as an exercise of power conferred upon the Federal Government and as a grant of power by the Congress to the President. The first storm which broke upon the Constitution centered upon the powers of the new Federal Government over aliens. In 1798, the Fifth Congress passed three acts in rapid succession. "An act concerning aliens," approved June 25, 1798 (1 Stat. 570), "An act respecting alien enemies," approved July 6, 1798 (1 Stat. 577, 50 U. S. C. 21 et seq.), and "An act in addition to the act, entitled 'An act for the punishment of certain crimes against the United States'," approved July 14, 1798 (1 Stat. 596). The first and last were the Alien and Sedition Acts, vigorously attacked in Congress and by the Virginia and Kentucky resolutions as unconstitutional. But the members of Congress who vigorously fought the Alien Act saw no objection to the Alien Enemy Act (8 Annals of Congress, 2035 (5th Cong., 1798)). In fact, Albert Gallatin, who led that opposition, was emphatic in distinguishing between the two bills and in affirming the constitutional power of Congress over alien enemies as part of the power to declare war (id. at 1980). James Madison was the author of the Virginia resolutions, and in his report to the Virginia House of Delegates the ensuing year after the deluge of controversy, he carefully and with some tartness asserted a distinction between alien members of a hostile nation and alien members of a friendly nation, disavowed any relation of the resolutions to alien enemies, and declared, "With respect to alien enemies, no doubt has been intimated as to the Federal authority over them; the Constitution having expressly delegated to Congress the power to declare war against any nation, and of course to treat it and all its members as enemies." (Madison's Rept., 4 Elliot's Deb. 546, 554 (1800).) Thomas Jefferson wrote the Kentucky resoulutions, and he was meticulous in identifying the Act under attack as the Alien Act "which assumes power over alien friends." (Kentucky resolutions of 1798 and 1799, 4 Elliot's Deb. 540, 541). It is certain that in the white light which beat about the subject in 1798, if there had been the slightest question in the minds of the authors of the Constitution or their contemporaries concerning the constitutionality of the Alien Enemy Act, it would have appeared. None did (id. p. 293).

The Court in the same decision continues by saying that:

The courts, in an unbroken line of cases from Fries' case in 1799 to Schwarzkopf's case in 1943, have asserted or assumed the validity of the act and based numerous decisions upon the assumption. The judicial view has been without dissent. * * *

If the power to remove alien enemies from its territory in time of war were not included in the powers granted the Federal Government by the Constitution, amendment to add that power would have to be made. Under no concept of government could a nation be held powerless to rid itself of enemies within its borders in time of war, whether the individual concerned be actually hostile or merely potentially so because of their allegiance (p. 294).

Further on in the same decision the Court stated that:

The President not only has the power, under the broad grants by the Congress, but has the solemn responsibility to make certain that the conduct of war is not

[29] 155 F. (2d) 290, 293 (1946).

only unimpeded but suffers from no threat of impediment. * * * As a practical matter, it is inconceivable that before an alien enemy could be removed from the territory of this country in time of war, the President should be compelled to spread upon the public record in a judicial proceeding the method by which the Government may detect enemy activity within our borders and the sources of the information upon which it apprehends individual enemies. No consitutional principle is violated by the lodgment in the President of the power to remove alien enemies without resort or recourse to the courts (id., p. 294).

Three recent decisions have dealt with the finality of the finding of the Attorney General in the cases involving alien enemies. The first of these decisions held that:

The courts are without power to review the action of the executive in ordering removal of an alien enemy in time of war except with respect to the question whether the relator is an enemy alien.[30]

The second decision held simply that: Courts do not have the power to review the finding of the Attorney General in a case like the present * * *.[31]

The third and most recent decision held that: The very nature of the President's power to order the removal of all enemy aliens rejects the notion that courts may pass judgment upon the exercise of his discretion.[32]

In a number of the cases, the question of the length of time during which the President may exercise his power of detention and removal of alien enemies has been raised. The courts have consistently held that the power is a war power to be exercised only during the time of war. War has, however, been held to continue after the actual cessation of hostilities. In the Ludecke case the Court held that—

War does not cease with a cease-fire order, and power to be exercised by the President such as that conferred by the Act of 1798 is a process which begins when war is declared but is not exhausted when the shooting stops.

The Court in that case held that war is terminated by treaty, legislation, or Presidential proclamation.

Another recent decision to reach the same result was that of *Woods* v. *Miller* [33] in which the Court stated that—

Whatever may be the consequences when war is officially terminated, the war power does not necessarily end with the cessation of hostilities.

A point also raised by the parties in the cases involving alien enemies is the power of the President to authorize the carrying out of his instructions and proclamations by other members of the Government. As in the case of all other powers granted to him, the courts have held that he may delegate the power to other officials and members of the Government.[34]

8. THE JAPANESE SITUATION DURING THE LAST WAR

The Japanese evacuation program is discussed briefly in this report to emphasize the sweeping powers which may be given by the President and Congress to various Federal authorities to insure the public safety and because the action taken in this case was unprecedented in that it pertained to American citizens as well as to alien enemies.

[30] U. S. ex. rel. *Schlueter* v. *Watkins*, 67 F. Supp. 556, 565 (1946).
[31] U. S. ex. rel. *Kessler et al.* v. *Watkins*, 163 F. (2d) 140 (1947).
[32] *Ludecke* v. *Watkins*, 335 U. S. 160, 164 (1948).
[33] 333 U. S. 138, 141 (1948).
[34] *Ludecke* v. *Watkins*, supra; *Lockington* v. *Smith*, supra.

At the outbreak of the war on December 7, 1941, there were over 90,000 alien enemies of the Japanese race in the United States and Hawaii.[35] In addition, there were thousands of United States citizens of Japanese descent. Nearly all of these Japanese aliens and citizens were living along the west coast of the country and it was believed that they constituted a potential danger to the safety of the country greater than that created by any other group of alien enemies in the United States.

Acting in pursuance of the authority granted to him by the Proclamation of the President of December 7, 1941, and by the authority granted him by Executive Order 9066 of February 19, 1942,[36] which authorized the Secretary of War and such officials as he might designate to prescribe military areas "in such places and of such extent" as he might determine desirable from which any or all persons might be excluded, the military commander on the west coast issued two proclamations setting up military districts.[37] These proclamations were issued on the 2d and 16th of March 1942, and were followed by Public Proclamation No. 3, on March 24.[38]

This last proclamation applied not only to alien enemies of Japanese ancestry, but also to citizens of the United States. Penalties were imposed by it for violation of its terms and for the first time in American history one group of American citizens was singled out and restricted in its actions.

The proclamation established a curfew by requiring that all alien enemies and persons of Japanese ancestry remain in their homes between 8 p. m. and 6 a. m., while at other times they were required to be either at their place of business, their residence, traveling between those two places or within a distance of not more than 5 miles from their place of residence unless specially authorized to go elsewhere. The terms of the proclamation were to be enforced by the Federal Bureau of Investigation.

Following the curfew proclamation was another which required the evacuation of all persons of Japanese ancestry from the west coast to assembly centers in the interior of the United States. This involved the relocation of more than 100,000 persons. The first military proclamations urged the voluntary removal of these persons, but that did not prove to be wholly satisfactory and later military proclamations provided for an orderly plan under the supervision of the Army authorities.

This was still not satisfactory and, on March 18, 1942, the President issued an Executive order establishing the War Relocation Authority, a civilian agency to settle the evacuated people in permanent relocation centers and to provide "as nearly as wartime exigencies permit, an equitable substitute for the lives and homes given up; and to facilitate the reassimilation of the evacuees into the normal currents of American life." The WRA picked 10 sites for the relocation centers. Although the responsibility for their maintenance was the task of the WRA, the actual guarding of the centers was in the hands of the military authorities.

A number of attempts were made to challenge the authority of the military to order the curfew and the evacuation as they pertained to

[35] Immigration and Naturalization Report, 1942, p. 3.
[36] 7 F. R. 1407.
[37] Public Proclamations 1 and 2, 7 F. R. 2320 and 2405.
[38] 7 F. R. 2543.

citizens. As the United States was not under martial law, the courts were still open to citizens,[39] and the cases which those of Japanese ancestry brought came up on writs of habeas corpus.

The case of *Korematsu* v. *U. S.* brought by a United States citizen of Japanese ancestry [40] questioned the validity of the exclusion order. It was declared valid, however, the Court saying in part that—

> We are not unmindful of the hardships imposed by it upon a large group of American citizens. * * * But hardships are part of war, and war is an aggregation of hardships. All citizens alike, both in and out of uniform, feel the impact of war in greater or lesser measure. Citizenship has its responsibilities as well as its privileges, and in time of war the burden is always heavier. Compulsory exclusion of large groups of citizens from their homes, except under circumstances of direct emergency and peril, is inconsistent with our basic governmental institutions. But when under conditions of modern warfare our shores are threatened by hostile forces, the power to protect must be commensurate with the threatened danger.

The Court stated further that evacuation and detention are two distinct things, and that the validity of one does not necessarily determine the validity of the other. Again in the same year the Court asserted that—

> We do not mean to imply that detention in connection with no phase of the evacuation program would be lawful. The fact that the act and the orders are silent on detention does not of course mean that any power to detain is lacking. Some such power might indeed be necessary to the successful operation of the evacuation program. At least we may so assume. Moreover, we may assume for the purposes of this case that initial detention in relocation centers was authorized. But we stress the silence of the legislative history and of the act and the Executive orders on the power to detain to emphasize that any such authority which exists must be implied. If there is to be the greatest possible accommodation of the liberties of the citizen with this war measure, any such implied power must be narrowly confined to the precise purpose of the evacuation program.
>
> A citizen who is concededly loyal presents no problem of espionage or sabotage. Loyalty is a matter of the heart and mind, not of race, creed, or color. He who is loyal is by definition not a spy or a saboteur. When the power to detain is derived from the power to protect the war effort against espionage and sabotage, detention which has no relationship to that objective is unauthorized.[41]

9. STATISTICS

Statistics on alien enemies are difficult to obtain and are not indicative of the exact number of enemy aliens who were actually in custody, were released, or were paroled during the war period. This is due to the fact that some alien enemies were taken into custody and released a number of times during a given fiscal year and to the fact that accurate figures on a month-to-month basis are not available.

Large numbers of alien enemies were taken into custody during the early months of the war but, with the exception of the Japanese group, most of them were released or paroled after hearings by the alien-enemy hearing boards. The largest number of alien enemies were of Italian ancestry, that group having a total number twice as large as that of the Germans, who were second. The third largest group was made up of Japanese, amounting to less than one-fifth of the German group. These figures are significant in view of the fact that Italians and Germans are eligible for citizenship, while those of Japanese ancestry are barred from becoming citizens.

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[39] *Ex parte Milligan*, 71 U. S. (4 Wall.) 2 (1866).
[40] 323 U. S. 214, 219 (1944).
[41] *Ex parte Mitsuye Endo*, 323 U. S. 283, 301 (1944).

At the outbreak of the war in December 1941, the largest number of alien enemies was in New York State while the second largest number was in California.[42] As of July 1, 1942, the Immigration Service had apprehended a total of 7,469 enemy aliens, the largest part Japanese, with 4,092, as compared with 2,384 German alien enemies and only 794 Italian enemy aliens apprehended. There were 573 alien enemies released after investigation by the United States Attorney General without issuance of a Presidential warrant. As of July 1, 1942, there were 3,066 alien enemies in the custody of the Service awaiting decision of their cases and 434 were on interim parole while their cases were being determined.[43]

During the fiscal year ended June 30, 1943, 5,323 enemy aliens were apprehended by the Immigration and Naturalization Service, 2,311 were paroled, and 742 released under order of the Attorney General. On June 30, 1943, there were in the custody of the Immigration and Naturalization Service 9,220 enemy aliens.[44]

During the fiscal year ended June 30, 1944, there were taken into custody by the Immigration and Naturalization Service 2,425 additional alien enemies; 5,528 were either released, paroled, interned-at-large, or died. Of these, 2,141 were repatriated, 1,838 paroled, 258 interned-at-large, and 53 died. This left 6,328 alien enemies in the custody of the Immigration Service on June 30, 1944, 2,971 Germans, 86 Italians, 3,136 Japanese, 5 Hungarians, 1 Bulgarian, 3 Rumanians, and 36 belonged to other nationalities.[45]

During the fiscal year 1945, the Immigration and Naturalization Service took into custody 2,784 more alien enemies, while 1,658 were released from custody; 792 were released through repatriation, 627 were paroled, 88 were interned-at-large, 199 were released, and 32 died. Thus, on June 30, 1945, there were in the custody of the Immigration Service 7,364 alien enemies, 2,107 Germans, 25 Italians, 5,211 Japanese, 7 Hungarians, 2 Rumanians, and 12 belonged to other nationalities.[46]

During the fiscal year 1946, 4,939 additional alien enemies were received by the Immigration Service, while a large number, 10,764, departed from the Service's detention facilities. Of this latter number, 6,224 were repatriated, 280 paroled, 35 interned-at-large, 4,201 released, and 24 died. This left 1,539 alien enemies in the custody of the Service at the close of the fiscal year, 555 Germans, 1 Italian, 982 Japanese, and 1 Hungarian.[47]

Repatriations, during the fiscal year 1946, "to Germany, Italy, and Japan were effected only on an exchange basis under the supervision of the Department of State. The cessation of hostilities made it possible to effect voluntary repatriations and to resume deportations to Germany, Italy, and Japan. From VE-day and VJ-day to the close of the fiscal year, 680 Germans were repatriated to Germany, 356 Italians to Italy, 7,686 Japanese to Japan, 590 Japanese to Hawaii, and 19 to Alaska." [48]

The fiscal year 1947 saw a waning of the alien enemy program. Only 180 additional alien enemies were received by the Immigration Service, while 758 departed from the Service's detention facilities,

[42] See appendix XI, table 12, p. 885, for the geographical distribution of enemy aliens.
[43] Immigration and Naturalization Service, Annual Report, 1942; pp. 26-28.
[44] Ibid., 1943, p. 14.
[45] Ibid., 1944, pp. 21-22.
[46] Ibid., 1945, p. 26.
[47] Ibid., 1946, p. 30.
[48] Id, p. 31.

34 departed under Presidential orders, 29 were repatriated, 215 were pre-Presidential order removal parolees, 477 were released, and 3 died. Thus there were at the end of the fiscal year only 587 alien enemies under alien enemy proceedings of whom 307 were in custody at the expense of the Immigration and Naturalization Service, and 280 were on work projects.[49]

At the beginning of the fiscal year 1948, there were 203 German and 384 Japanese alien enemies under alien enemy proceedings. Two additional German alien enemies were received by the Immigration and Naturalization Service during the year, bringing the total number in the custody of the Service to 589. During the year, 7 Germans and 1 Japanese departed from the country voluntarily under removal orders issued by the Attorney General, 23 Germans and 17 Japanese were released outright, and 1 German died. At the close of the fiscal year, there were 174 Germans and 27 Japanese under removal orders issued by the Attorney General, of whom 161 were in custody and the balance were on parole pending determination of their cases.[50]

The alien enemy family internment camp at Crystal City, Tex., was the only one in operation during the fiscal year ending June 30, 1948, and it was closed on February 27, 1948.[51]

At the height of the alien enemy program during the year 1943, there were 16 detention stations in operation,[52] while in 1948 there were only seven detention facilities in operation by the Immigration Service.[53]

The statistics discussed above do not include the Japanese who were interned during the entire period of hostilities under the so-called Japanese evacuation program.

10. CONCLUSION

It is the belief of the subcommittee that the present laws in regard to alien enemies are as they should be.

The subcommittee is aware of the fact that the provisions of the above-mentioned law may inflict great hardships upon loyal, resident aliens, who may by mere definition in time of war find themselves classed as alien enemies. It is believed, however, that the safety and well-being of the country in time of war is paramount and such steps as are authorized by law are constitutional and proper. American citizens who may be caught outside of the United States during time of war in countries of the enemy or in countries held by them will undoubtedly be accorded treatment by the enemy very similar to that provided in the wartime laws of the United States.

E. Deportation of Aliens Who Traffic in Narcotic Drugs

1. THE LAW TODAY AND ITS HISTORICAL BACKGROUND

The present law, which was enacted on February 18, 1931,[54] provides—

> That any alien (except an addict who is not a dealer in, or peddler of, any of the narcotic drugs mentioned in this Act) who, after the enactment of this Act, shall

[49] Ibid, 1947, p. 27.
[50] Ibid., pp. 17-19.
[51] Ibid., 1948, p. 19.
[52] Ibid., 1943, p. 14.
[53] Ibid., 1948, p. 19.
[54] 46 Stat. 1171, as amended, 21 U. S. C. 175.

be convicted for violation of or conspiracy to violate any statute of the United States or of any State, Territory, possession, or the District of Columbia taxing, prohibiting, or regulating the manufacture, production, compounding, transportation, sale, exchange, dispensing, giving away, importation, or exportation of opium, coca leaves, heroin, marihuana, or any salt, derivative, or preparation of opium or preparation of opium or coca leaves, shall be taken into custody and deported in manner provided in sections 19 and 20 of the Act of February 5, 1917 * * *.

The act of May 26, 1922,[55] was the first law to provide that any alien convicted at any time after his entry into the United States of fraudulently or knowingly importing or bringing illegally into the United States any narcotic drug or who "assists in so doing, or receives, conceals, buys, sells, or in any manner facilitates the transportation, concealment, or sale of any such narcotic drug after being imported or brought in, knowing the same to have been imported contrary to law," should be taken into custody and deported in accordance with sections 19 and 20 of the 1917 Immigration Act.[56] That act also provides that whenever a defendant is "shown to have or to have had possession of the narcotic drug, such possession shall be deemed sufficient evidence to authorize conviction, unless the defendant explains the possession to the satisfaction of the jury."[57]

While the provision as to the presumption which is raised when narcotics are found in the possession of a defendent accused of the violation of the narcotic laws is not found in the 1931 act or in any of its amendments, neither that act nor any of the amendments to it repealed the former laws regulating traffic in narcotics and the presumption of the former law, therefore, still stands.

2. COURT DECISIONS

The decisions of the courts have clarified the provisions of the narcotic drug laws as they pertain to the deportation of aliens. The decisions have interpreted not only the provisions which refer to sections 19 and 20 of the 1917 Immigration Act, but they also interpret the section of the 1922 act which raises the presumption that a person found to have or to have had a narcotic drug in his possession has brought that drug into the country illegally.

A decision handed down soon after the enactment of the 1922 act held that there could be no doubt that the act adopted the "whole of the provisions relative to deportation contained in sections 19 and 20" of the 1917 Immigration Act. That case determined that the defendants had been convicted by the lower court of having opium in their possession but that there was no showing that the crime involved moral turpitude. As the court felt that deportation for violation of the Narcotic Drug Act could occur only if the conviction giving rise to the deportation proceeding concerned a crime which involved moral turpitude, the defendants in this case were held not deportable.[58]

Decisions of more recent courts have, however, reversed the holdings in these earlier cases. In the case of *Chung Que Fong* v. *Nagle* [59] the court held:

It must be assumed that Congress meant just what was stated in plain and express terms; that it meant to declare that violators of the Narcotic Act were

[55] 42 Stat. 596.
[56] Sec. 2 (e).
[57] Sec. 2 (f).
[58] *Hampton* v. *Wong Ging*, 299 F. 289 (1924). Another case handed down by the same court in the following year affirmed the earlier decision (*Charlie Gib* v. *Weedin*, 8 F. 2d 489, 1925).
[59] 15 F. 2d 789 (1926).

considered of a class not to be entitled to any sort of prescriptive right to remain in this country, whether the offense was committed or the conviction had within, or after, 5 years from the date of their entry. The law is special in its provision, and particular in the manner of stating it.

This same decision was reached in the case of *U. S. ex rel. Grimaldi* v. *Ebey*[60] in which the court said that the language in the 1922 Narcotic Drug Act "at any time after entry" controls over any limitation found in the nineteenth section of the 1917 Immigration Act when applied to aliens who have offended against the Narcotic Drug Act.[61]

A number of cases have raised the question of the validity of the presumption in the Narcotic Drug Act of 1922 that possession of such a drug will be considered to be illegal until proved otherwise, but courts have uniformly held that the presumption is valid. The case of *Yee Hem* v. U. S.[62] quoted an earlier decision to the effect that—

> Legislation providing that proof of one fact shall constitute prima facie evidence of the main fact in issue is but to enact a rule of evidence, and quite within the general power of Government.

Expressing this same theory, but in more detail, was the decision in the case of *Rosenberg et al.* v. *U. S.*[63] The defendant claimed the presumption was unconstitutional for the reason that it caused him to testify against himself. The court held the presumption valid, stating that—

> The statute * * * merely establishes a rule of evidence, by providing that, when the defendant on trial for violation of the provisions of section 2, subdivision (c) of the act, is shown to have or to have had possession of the narcotic drug, such possession shall be deemed sufficient evidence to authorize conviction unless defendant explains the possession to the satisfaction of the jury. This in effect is the creation of a presumption, subject, always, to be rebutted. In no way is there compulsion that the defendant shall testify. He may produce witnesses who may truthfully and without difficulty satisfy the jury that his possession was had in an honest and legitimate way. He may rely upon circumstances developed by the evidence of the prosecution as negativing unlawful possession, or he may himself testify and explain how he became possessed of the drugs.

The case of *Hooper et al.* v. *U. S.*[64] involved the importation of drugs which may legally be imported under certain specified conditions for medicinal purposes. In that case the defendant attempted to claim that the presumption as to the possession of drugs should not apply, but the court held that the provision is constitutional and applies in a prosecution relating to any such drugs, whether their importation is wholly prohibited or their importation is only restricted:

> The presumption of unlawful importation may attach in either case, for it is a prima facie presumption only, leaving with the accused the burden of proving lawful possession.

3. STATISTICS

The largest proportion of deportations for violation of the narcotic laws occurred during the 1930's and early 1940's. While a larger number of deportations on this ground occurred in 1946 and 1947

[60] 12 F. 2d 922 (1926).
[61] Other court decisions to the same effect are found in the cases of *Hachiji Shibata* v. *Tillinghast*, 31 F. 2d 801 (1929), and in *Todaro* v. *Munster*, 62 F. 2d 963 (1933).
[62] 268 U. S. 178 (1925).
[63] 13 F. 2d 369 (1926).
[64] 16 F. 2d 869 (1926).

than in the earlier part of the decade, the total number of deportations for all causes has risen in greater proportion, with the result that the rate of deportations for violation of the narcotic laws has actually decreased.

The greatest number of narcotic law violators have been deported to Mexico, China, and Italy.[65]

4. CONCLUSIONS AND RECOMMENDATIONS

The subcommittee received two recommendations pertaining to deportation of aliens for conviction of violating the narcotic laws.

An immigration inspector in California stated that aliens who were drug addicts were as undesirable as those who imported, concealed, or sold narcotics, and he suggested that they also be made subject to deportation. The district immigration director at San Francisco suggested that an alien convicted of possession of a narcotic drug should be liable to deportation just as much as an alien convicted of the sale of such a drug. He stated:

> It is suggested that a change be made in the law relating to the deportability of aliens convicted of the possession of narcotics or marijuana. The present law does not provide for the deportation of persons who are convicted of possession, no matter what the quantity may be, yet, if a person is convicted of the sale of a single marijuana cigarette, he is deportable. Recently, in connection with investigations at San Quentin State Prison, a case was brought to my attention in which the alien was convicted of possessing two warehouses full of processed marijuana plants and seeds. Not being deportable on any other ground, there was no action that could be taken against the alien, even though he had a prior record of possession only.

The subcommittee concludes that an alien who is in illegal possession of a narcotic drug may be convicted under the 1922 act and thereby become deportable, since the act of 1922 provides for the deportation of aliens who import or assist in so doing, receive, conceal, buy, sell, or in any way facilitate "the transportation, concealment, or sale," of any narcotic drug, knowing it to have been illegally imported. This provision obviously does not cover the mere possession as such of any narcotic drug. A subsequent provision of the same act does, however, state that whenever an alien is on trial for violation of the act and he is shown to have or to have had possession of the narcotic drug involved, such possession shall be deemed sufficient evidence to authorize conviction, unless the defendant explains the possession to the satisfaction of a jury. Thus, it would seem that if an alien on trial for violation of the subsection dealing with the importing, buying, or selling of a narcotic drug was proved to have had possession of the drug and could not rebut such presumption to the satisfaction of the jury, the conviction based on such possession would permit deportation.

The subcommittee recommends that the immigration laws contain specific provision for the deportation of aliens who have been convicted of any law pertaining to narcotics. Such aliens should be deportable, whether the conviction occurred prior to or after entry into the United States. The deportable class will include those convicted under any law in this country pertaining to narcotics or under any such law of a foreign country.

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[65] Appendix XI, tables 5, 6, and 7, pp. 873-879, give the number of persons deported by cause and by countries to which deported.

F. Exclusion and Deportation of Aliens With Improper Documents

1. THE LAW TODAY

Section 13 (a) of the 1924 Immigration Act provides that aliens with improper immigration documents may be excluded from admission into the United States. It reads in its entirety as follows:

No immigrant shall be admitted to the United States unless he (1) has an unexpired immigration visa or was born subsequent to the issuance of the immigration visa of the accompanying parent; (2) is of the nationality specified in the visa in the immigration visa; (3) is a nonquota immigrant if specified in the visa in the immigration visa as such; (4) is a preference-quota immigrant if specified in the visa in the immigration visa as such; and (5) is otherwise admissible under the immigration laws.[66]

The deportation section of the 1924 act provides that any alien found within the United States contrary to the provisions of the 1924 act shall be taken into custody and deported as provided in section 19 of the 1917 Immigration Act. That section, section 14, reads in its entirety as follows:

Any alien who at any time after entering the United States is found to have been at the time of entry not entitled under this Act to enter the United States, or to have remained therein for a longer time than permitted under this Act or regulations made thereunder, shall be taken into custody and deported in the same manner as provided for in sections 19 and 20 of the Immigration Act of 1917: *Provided*, That the Attorney General may, under such conditions and restrictions as to support and care as he may deem necessary, permit permanently to remain in the United States any alien child who, when under sixteen years of age, was heretofore temporarily admitted to the United States and who is now within the United States and either of whose parents is a citizen of the United States.[67]

Section 3 of the act of May 14, 1937,[68] provides for the deportation of aliens who have fraudulently obtained visas by contracting marriage solely for that purpose. It reads in its entirety as follows:

That any alien who at any time after entering the United States is found to have secured either non quota or preference-quota visa through fraud, by contracting a marriage which, subsequent to entry into the United States, has been judicially annulled retroactively to date of marriage, shall be taken into custody and deported pursuant to the provisions of section 14 of the Immigration Act of 1924 on the ground that at time of entry he was not entitled to admission on the visa presented upon arrival in the United States. This section shall be effective whether entry was made before or after the enactment of this Act.

When it appears that the immigrant fails or refuses to fulfill his promises for a marital agreement made to procure his entry as an immigrant, he then becomes immediately subject to deportation.[69]

2. STATISTICS

By far the largest percentage of exclusions[70] and deportations[71] occur in the cases of aliens who are without proper documents or who have none at all.

The percentage of aliens excluded each year as being without proper documents has risen, although not steadily, in the past 13 years from

[66] 43 Stat. 153, as amended; 8 U. S. C. 213 (a).
[67] 43 Stat. 162, as amended; 8 U. S. C. 214.
[68] 50 Stat. 164.
[69] 50 Stat. 164, 165; 8 U. S. C. 213a.
[70] Appendix XI, tables 3 and 4, pp. 871, 872, give the numbers of persons excluded from the United States by cause and by national origin.
[71] Tables 5, 6, and 7, pp. 873-879, give the number of persons deported by cause and by countries to which deported.

55 percent to over 75 percent. This could be an indication of any of a number of things: (1) That the immigration officials are more astute at detecting false documents than they were 13 years ago, (2) that the consular-service officials are not as cautious in filling out an alien's immigration papers as they once were, or (3) aliens feel that entry by means of false documents is the most likely illegal means of entry to succeed.

The percentage of aliens deported on the ground that they entered without inspection increased during the last 40 years. There was a slight decline in number during the war years, but total deportations during those years also fell off.

Mexico has received the largest number of such deportees during the last 20 years, nearly five times the number of aliens deported to Canada, the country receiving the second largest number. While the total number of aliens deported each year to Mexico has increased from 3,356 in 1931 to 10,007 in 1948, the number deported to Canada each year has not increased in like proportion.

The countries receiving the third and fourth largest numbers of aliens during this same period were China and Italy, respectively, but the number deported to those two countries in recent years is not as large as they once were.

3. CONCLUSIONS AND RECOMMENDATIONS

It is the belief of the subcommittee that the substance of the provisions of section 13 (a) of the 1924 Immigration Act excluding those aliens who do not possess the required immigration documents should be retained in the law.

Likewise, the substance of section 14 of the 1924 Immigration Act and section 3 of the 1937 act should be retained. Similar provisions are incorporated in the appropriate excludable and deportable classes of aliens in the proposed legislation.

G. General Conclusions and Recommendations

The exclusion and deportation sections are among the most important sections of the immigration acts. They directly affect aliens desiring to come to the United States; but, of more importance, they have a direct relationship to the well-being of the United States. The United States is no longer the frontier country that it once was and it is necessary that aliens entering the country for permanent residence meet certain qualitative standards as an assurance that they are capable of being absorbed into our economy and of conforming to the manner of living of the American people. Those who enter temporarily must also be screened to eliminate criminals, bearers of contagious diseases, the insane, and otherwise undesirable persons whose entry would be detrimental to this country's interests.

The subcommittee has commented on the individual classes of excludable and deportable aliens and believes that there is ample justification for the modifications, additions, and deletions which have been recommended. Those recommendations on the excludable classes, in general, will include aliens who are (1) mentally or physically defective, (2) criminals, (3) immoral, (4) laborers who seek to enter to furnish services or labor not needed, (5) likely to become a

public charge, (6) seeking to enter after previous exclusion and deportation, within 1 year of deportation, without permission, (7) deportees as a result of having fallen into distress or of being alien enemies, (8) stowaways, (9) in possession of improper or fraudulently obtained documents, (10) draft evaders or avoiders, (11) drug addicts or traffickers in narcotic drugs, or (12) illiterates. The aliens excludable as subversives are discussed in part 3.

The deportable classes of aliens, in general, have been revised to subject any alien to deportation who (1) at the time of entry was a member of one or more of the excludable classes, (2) has entered the United States in violation of the Immigration Act or any other law, (3) has become institutionalized because of mental deficiency within 5 years of entry, (4) has been convicted of a crime involving moral turpitude within 5 years of entry and confined therefor for a year or more, (5) has been at any time after entry convicted of two crimes involving moral turpitude not arising of a single scheme of criminal misconduct regardless of whether confined, (6) has been convicted in this country, after entry, of any criminal offense if the Commissioner concludes the alien is undesirable, (7) has been convicted of giving false information under the Immgration Act or convicted of violating any provision of the Alien Registration Act of 1940, (8) has been convicted of a violation of any law pertaining to narcotics, (9) has become a public charge from causes not affirmatively shown to have arisen after entry, (10) has failed to maintain his nonimmigrant status, or (11) has become a member of an immoral class.

It is the opinion of the subcommittee that those classes of excludable and deportable aliens are necessary for the protection of the interests of the United States and are adequate to accomplish that purpose. The exemptions applicable to those classes, under the existing 10 provisos to section 3 of the 1917 act, have been considerably curtailed in order to gain more effective control over the aliens entering the country.

CHAPTER V

ADMISSIBLE ALIENS

A. Introduction: General Classes of Admissible Aliens

The Immigration Act of 1924 [1] classifies all aliens who are eligible for admission into the United States as either immigrants or nonimmigrants. The immigrant class includes aliens admitted for permanent residence, while the nonimmigrant class includes aliens who are admitted only for temporary periods of stay. The immigrant class is further divided into two categories: (1) Immigrants who are not subject to the numerical quota restriction and who are classified as nonquota immigrants, and (2) all other immigrants who are subject to quota limitations and who are classified as quota immigrants. The act is so written that an alien applicant who does not qualify in the nonimmigrant class is treated as an applicant in the immigrant class. The fact that an alien falls within one of the classifications of admissible aliens is, however, no guaranty of admission, since he is still subject to the excluding provisions of section 3 of the Immigration Act of 1917.[2] This chapter analyzes the various classes of admissible aliens from the standpoint of their status under the present law and includes suggestions for changes in the law.

1. INEQUALITY OF THE SEXES UNDER THE IMMIGRATION LAWS

The immigration laws contain several provisions which result in an inequality between men and women who may claim consideration under those laws. Since these provisions occur in various places in the laws relating to the admissible classes of aliens, before proceeding with the consideration of each of those classes attention is directed to the problem of inequality of the sexes under the immigration laws.

The so-called discrimination against women features of the acts of 1917 and 1924 probably are in those laws as a legislative enactment of the common-law theory that the husband is the head of the household and the woman's nationality and residence follows that of her husband. It will be recalled that when the Immigration Act of 1917 was passed, women in the United States had not yet received the general franchise, although by the time the act of 1924 was passed, women were entitled to vote in national elections.

a. Husbands of American citizens

The events of the past decade have brought these inequalities between men and women into sharper focus. Prior to World War II, American business and professional women citizens did not travel alone outside of the United States in great numbers. During the war, however, many hundreds of women citizens served overseas in

[1] 43 Stat. 153.
[2] 39 Stat. 874.

organizations of a nonmilitary character, such as UNRRA and the Red Cross. They met and married alien men and, under the then existing law, were entitled to bring their husbands back to the United States under the provisions of section 6 (a) (1) of the 1924 act, which permitted husbands of citizens to come in first preference under the quota if the marriage occurred after July 1, 1932. By the act of May 19, 1948,[3] section 4 (a) of the 1924 act was amended to provide that the alien husbands of citizen wives could come in nonquota provided the marriage occurred prior to January 1, 1948. Prior to the 1948 enactment, nonquota status was granted to alien husbands of citizen wives only if the marriage occurred prior to July 1, 1932. Under the present law, citizen women who married aliens prior to January 1, 1948, may bring them in as nonquota immigrants, but if the marriage has occurred after January 1, 1948, the alien husbands are granted a first preference under the quota.

b. Illiterate aliens

The first proviso to section 3 of the Immigration Act of 1917[4] provides that an admissible alien or citizen may bring in or send for his father or grandfather over 55 years of age, his wife, mother, grandmother, or unmarried or widowed daughter, if otherwise admissible, whether or not they can read. This privilege is limited to male admissible aliens and citizens and is not presently extended to female admissible aliens or citizens.

The numbers of illiterate immigrant aliens admitted into the United States who were exempted on the ground of relationship, during the fiscal years ending June 30, 1944 to 1948, inclusive, were as follows:

	Number
1944	373
1945	326
1946	336
1947	1,265
1948	2,745

The increase in 1947 and 1948 admissions is no doubt due to the exemptions claimed under the provisions of the GI Brides' Act.[5]

c. Treaty traders

As in the case of admission of illiterate alien relatives of admissible aliens and citizens, the wife and the unmarried children under 21 years of age of a treaty trader may be admitted under the provisions of section 3 (6) of the 1924 act only if the treaty trader is a man. Under existing law, a woman treaty trader may enter this country but she may not bring with her her husband or children.

During the fiscal years 1944 to 1946, inclusive, 649 treaty traders, their wives and unmarried children entered the United States. During this period, such treaty traders, their wives and children totaled 649 persons, of whom 523 were males and 126 were females.

For the fiscal year ending June 30, 1947, plus the period from July to December 1947, a total of 714 persons entered with status as treaty traders, their wives and children. Of this total, 649 were men and 65 women. One hundred and sixty-one wives and 120 children accompanied the men traders; but, under existing law, the 65 women

[3] 62 Stat. 241.
[4] 8 U. S. C. 136 (o).
[5] 59 Stat. 659.

traders were not entitled to bring in their husbands and minor children as nonimmigrants.

d. Certain classes from the "barred" zone

Section 3 of the 1917 act[6] provides, among other things, that persons from the "barred" zone shall be excluded, except certain enumerated classes, such as government officials, professional people, and missionaries, and their legal wives or their children under 16 years of age. A woman who came within one of the enumerated classes could not, however, bring in her husband or children.

e. Persons affected with contagious disorders

Section 22 of the 1917 act provides that when a citizen or a legally resident alien shall send for his wife or minor children to join him, and they are found to be affected with any contagious disorder, they may be held until it can be determined whether or not the disorder will be easily curable or whether they can be permitted to land without danger to other persons. Such wife and minor children are not deportable until the facts are ascertained.

This section makes no provision applicable to the husband or minor children of a legally resident alien woman or woman citizen under the same conditions.

f. Western Hemisphere nonquota immigrants

Section 4 (c) of the 1924 act defines as a nonquota immigrant an immigrant born in the Western Hemisphere, and his wife and unmarried children under 18, if accompanying or following to join him. The definition does not include the husband or children of a woman born in the Western Hemisphere.

g. Children and wives having differing nationalities

Section 12 (a) of the 1924 act provides that the nationality of an alien child under 21 accompanied by its alien parent is to be determined by the parent's nationality, but if the child is accompanied by both alien parents, then the nationality of the alien child is determined by the father's nationality if he is entitled to an immigration visa. The nationality of an alien wife of a nationality different from that of her alien husband may, if her nationality quota is exhausted, be determined by his nationality.

No provision is made for use by a minor child or husband of the nationality quota of the alien wife, or for use by a minor child of the nationality quota of the alien mother, if the alien father is also accompanying them.

h. Chinese alien spouses of citizens

Section 2 of the act of December 17, 1943[7] (repeal of the Chinese Exclusion Acts), excepts Chinese alien wives of American citizens from the provision that all Chinese persons shall be allocated to the quota for the Chinese.

This exception does not extend to Chinese alien husbands of American citizens.

i. Spouses of ministers and professors

Sections 4 (d) and 13 (c) of the act of 1924 permit the admission of the wife of a minister or professor as nonquota, whether or not she is

[6] 8 U. S. C. 136 (n).
[7] 57 Stat. 600.

ineligible to citizenship, but there is no provision for the nonquota admission of a husband whose wife is a minister or professor.

j. Conclusion and recommendation.

Testimony before the subcommittee was unanimously to the effect that the inequalities in the immigration laws between the rights and privileges of men and of women should be eliminated. The subcommittee believes that there is no justification for according different treatment to the sexes under the immigration laws and recommends, therefore, that the laws be amended to remove all such inequalities.[8]

B. Quota Immigrants

1. BACKGROUND

Since the numerical restriction of immigration through the imposition of quotas has been the firmly established policy of this country for over a quarter of a century, this section includes a consideration of the basic theories underlying adoption of the quota system and an appraisal in the light of experience gained since its inception. In the course of the hearings before the subcommittee, testimony on various aspects of the quota system was received from representatives of the Department of State, the Immigration and Naturalization Service, and interested private organizations. In addition, there were available suggestions from field officers of the Immigration and Naturalization Service, consular officers, and a wealth of material which has been written on various aspects of the subject by persons who have studied the problems involved. Needless to say, the suggestions and comment concerning the functioning of the quota system have been diverse. The purpose of the subcommittee is to examine this controversial subject objectively in order to present an unbiased appraisal of the quota system, together with such recommendations as seem justified for its improvement.

While the adoption of a policy of quantitative restriction of immigration through the imposition of numerical quotas dates from the Quota Act of 1921, to gain a true perspective of that policy it is necessary to refer briefly to the evolution of our official immigration policy.[9] Only against a background of the various religious, social, and political considerations which entered into the development of a restrictive policy of immigration will it be possible to appraise the quota system.

Policy in the colonial period may be characterized generally as one of free immigration; the immigrant was generally welcomed and often provided free or cheap land as an inducement to settle in various localities. It is possible to discern, however, in the policies of the

[8] The recommendation will require the substitution of the word "spouse" for the word "wife" where it appears in the following provisions of the laws:
(a) Sec. 3 of the 1917 act.
(b) Sec. 22 of the 1917 act.
(c) Sec. 3 (6) of the 1924 act.
(d) Sec. 4 (a) of the 1924 act. (In this subsection, repeal the proviso.)
(e) Sec. 4 (c) of the 1924 act.
(f) Sec. 4 (d) of the 1924 act.
(g) Sec. 3 of the 1917 act (last sentence of the first paragraph).
(h) Sec. 6 (a) of the 1924 act (1) (and repeal the provision relating to date of marriage to alien husbands).
(i) Sec. 6 (a) of the 1924 act (2).
(j) Sec. 12 (a) of the 1924 act.
(k) Sec. 2 (first sentence) of the act of December 17, 1943 (to repeal the Chinese Exclusion Acts).
(l) Sec. 13 (c) of the 1924 act.

[9] For detailed discussion of the history of the immigration policy of the United States, see sec. D of ch. I, p. 43.

various colonies, the roots of our present restrictive policy. The opposition to immigration in the colonial period may be traced to religious beliefs which prevailed in the various colonies and the physical, mental, moral, and economic fitness of the immigrants who were seeking to join the settler of the new land. The early colonists were predominantly of Anglo-Saxon origin and there was evidence of resentment to the influx of strangers whose language and cultural background were widely different from those of the first settlers.

Several early laws were adopted by the colonies to exclude undesirable immigrants. In the early 18th century, several laws were passed in Pennsylvania to control immigration. One statute imposed a tax on every criminal landed and made the shipowner responsible for the good conduct of his passengers; another imposed a head tax on each immigrant, and another required inspection of passengers by a physician to prevent the entry of diseased persons. A Maryland statute imposed heavy penalties for the importation of criminals. There were early statutes in Pennsylvania and Massachusetts designed to keep out aliens likely to become public charges. In addition, many of the colonies passed laws to exclude immigrants of particular religious sects. These laws varied from absolute exclusion to discriminatory taxes against immigrants of particular religious sects. The most frequent subjects of such laws were the Roman Catholics and the Quakers.

Thus, at an early period in our history, there developed a feeling of hostility toward immigrants who tended to disrupt the homogeneity of the population of the colonies. The beginning of a restrictive policy may also be observed in attempts to exclude paupers and criminals, the imposition of a head tax, and the bonding of shipowners. These developments were qualitative in nature, aimed primarily at excluding the undesirable immigrant, since the economic opportunity available to all in those days eliminated any serious consideration of quantitative limitation.

Following the founding of the Republic, the stream of immigration continued to be relatively free of restrictions until 1882, when the first really restrictive Federal legislation was enacted. As the influx of immigrants increased, particularly in the period between 1820 and the outbreak of the Civil War, the agitation for the imposition of restrictions became more widespread. Opposition became more evident as particularly large groups of immigrants of different cultural background, political beliefs, and religious beliefs entered the new country. Since the founding settlers were predominantly of English origin, the opposition to immigration, quite naturally, was directed primarily against the non-English-speaking foreigners. When there was a tremendous migration of the Irish to this country in the three decades preceding the Civil War, following the potato famine in Ireland, there was opposition to these strangers with widely different customs, different standards of living, and with adherence to the Catholic Church. Likewise, when there was a large influx of Germans, there was resentment, because of their widely different background and life. The agitation for restricting the flow of immigration may be found in the nativist movements at the turn of the nineteenth century, which were based largely on religious bias, the fear that the Irish and Germans were not assimilable, and the threat of their competitive labor. The anti-foreign movements culminated in the

Know-Nothing Party which demanded the exclusion of paupers and criminals and severe restrictions on the rights of immigrants. It was particularly opposed to the power of the Roman Catholic Church. The Know-Nothing movement gained considerable prominence in some of the States but died with the outbreak of the Civil War, when most opposition to the immigrant disappeared.

During the period of free immigration, some of the States continued to impose restrictions on the admission of aliens until the United States Supreme Court held such restrictions invalid as an unconstitutional attempt to regulate foreign commerce. Commencing with an act of March 3, 1875,[10] which prohibited the admission of convicts and prostitutes, there began a period in which the Federal Government sought to restrict the flow of immigration. The first general immigration law, passed in 1882,[11] imposed more restrictions upon the mounting tide of immigration. It imposed a head tax and added to the excludable classes lunatics, idiots, and persons likely to become public charges. In the same year, the first of the Chinese Exclusion Acts was passed.[12] It was subsequently extended by various acts until repealed by the act of December 17, 1943.[13]

Additional restrictive legislation followed. The alien contract-labor law forbade the immigration of cheap labor under contract and voided such contracts. Subsequent acts added to the excludable or inadmissible classes aliens who were suffering from a loathsome or dangerous or contagious disease, who had been previously convicted of or who admitted the commission of criminal offenses involving moral turpitude, paupers, insane, professional beggars, anarchists, feeble-minded, children under 16 years of age unaccompanied by their parents, and aliens suffering from mental or physical defects which might affect their ability to earn a living. Despite these restrictions, which were on the statute books by 1907, immigration continued to grow rapidly. As a result of increased demands for restrictive legislation, the Immigration Act of 1917 [14] was passed which codified the previous restrictive provisions and added to the excludable classes illiterates and aliens from the "barred zone" of Asia and certain Pacific islands.

All these restrictions had no appreciable effect on reducing the volume of immigration. While there had been persistent demands for a drastic revision of our immigration policy prior to World War I, the movement for restrictions received increased impetus in the period immediately following the war, as a result of growing labor unrest, increasing unemployment, and general alarm over the potential flood of "newer" immigrants from war-torn Europe.

The first numerical restriction was imposed by the Quota Act of May 19, 1921, which limited the annual number of immigrants of any nationality to 3 percent of the number of foreign-born persons of that nationality in this country in 1910. The effect of the act was to limit the volume of immigration to approximately 350,000 immigrants a year. This first quota limitation remained in effect until passage of the Immigration Act of 1924, which fixed the annual quota of any nationality at 2 percent of the number of foreign-born persons of that

[10] 18 Stat. 477.
[11] 22 Stat. 214.
[12] 22 Stat. 58.
[13] 57 Stat. 600.
[14] 39 Stat. 874.

nationality in this country as determined by the census of 1890 (with a minimum quota for any eligible nationality of 100). This second quota limitation remained in effect until the inauguration of the national origins quota system on July 1, 1929, pursuant to the 1924 act.[15] The immigration policy of the United States, which had been restrictive on a qualitative basis, thus became restrictive on a quantitative basis as well.

Underlying the immigration policy of the United States is the fundamental principle that the entry of aliens for permanent residence must, as a protective measure, be subject to restrictions. Under section 3 of the Immigration Act of 1917, certain classes of aliens, such as illiterates, criminals, paupers, and aliens likely to become public charges, are excluded from entry. In addition to qualitative restrictions, our immigration policy embodies the further restriction on the number to be admitted, as set forth in the Immigration Act of 1924.

2. EXISTING LAWS AND REGULATIONS ON QUOTA CLASSES

Quota immigrants—those subject to the numerical restrictions—are defined negatively under the 1924 act. An immigrant is defined as any alien departing from any place outside the United States destined for the United States except an alien classified as a nonimmigrant.[16] A quota immigrant is defined as an immigrant who is not a nonquota immigrant.[17] The quota immigrant is, therefore, an alien entering for permanent residence, as distinguished from the nonimmigrant, who is entering for a temporary stay. The quota immigrant is subject to numerical restriction, as distinguished from the nonquota immigrant who is likewise entering for permanent residence but who is not subject to numerical restriction.

a. Determination of quotas

Under section 11 (a) of the 1924 act, the annual quota of each nationality is fixed at 2 percent of the number of foreign-born residents of such nationality in the continental United States as determined by the census of 1890, with a minimum quota for any eligible nationality of 100. This was only a temporary measure pending the determination of national origins quotas as provided for in section 11 (b) of the 1924 act. Section 11 (b) provides that the annual quota of any nationality for the fiscal year beginning July 1, 1929, and for each year thereafter shall be a number which bears the same ratio to 150,000 as the number of inhabitants in the United States in 1920 of that nationality bears to the total number of inhabitants in the continental United States in 1920, with a minimum quota for any eligible nationality of 100. Quotas are at present fixed pursuant to that provision.

The Immigration Act of 1924 provides that the national origins of the inhabitants in the continental United States in 1920 shall be determined by the number of inhabitants whose origin by birth or ancestry is attributable to each geographical area treated as a separate country under the act. It is not required that the determination be made by tracing the ancestors or descendants of particular individuals, but that the determination be based upon statistics of immigration

[15] 43 Stat. 153.
[16] 8 U. S. C. 203.
[17] 8 U. S. C. 205.

and emigration, rates of increase of population as shown by censuses, and such other data as may be available. Specifically excluded from this evaluation of the inhabitants in the United States in 1920 are: (1) Immigrants from the Western Hemisphere countries, (2) aliens ineligible to citizenship and their descendants, (3) descendants of slave immigrants, and (4) descendants of American aborigines. In other words, the computation of national origin of our population is limited to the white race from geographical areas outside the Western Hemisphere.

Determination of the national origins quotas is made by the Secretary of State, the Secretary of Commerce, and the Attorney General, who report the quota of each nationality to the President, who, in turn, must proclaim the quotas so reported.

b. Determination of nationality

Having provided for the establishment of a separate quota for each nationality, the 1924 act provides that the quota nationality of an immigrant shall be determined by his country of birth. Colonies, dependencies, or self-governing dominions, for which separate enumeration was made in the census of 1890, are treated as separate countries. The act provides three exceptions to the general rule that nationality is determined by country of birth:

1. An immigrant child under 21 years of age must be charged to the country of birth of the accompanying parent, or the country of birth of the father if accompanied by both parents, regardless of the country of the child's birth.
2. A wife of a different nationality from her immigrant husband may be charged to the quota of the country of birth of her immigrant husband if the monthly quota to which she would ordinarily be charged is exhausted, if she is accompanying her husband, and if the monthly quota to which the husband is chargeable is not exhausted.
3. An immigrant born in the United States who has lost his citizenship shall be considered as having been born in the country of which he is a citizen or subject, or, if not a citizen or subject of any country, then the country of his domicile.

The visa regulations of the Department of State supplementing the foregoing provisions of the 1924 act provide that an alien husband who is a lawful permanent resident of the United States may go abroad and confer his nationality for quota purposes upon his wife and minor children and return on a reentry permit, a nonquota immigration visa, a border-crossing card in appropriate cases, or without any document if he is entitled to enter without documentation. In the case of an immigrant born of a father who had diplomatic status at the time of the immigrant's birth, the nationality of the child is determined by the father's nationality.

The 1924 act provides that in the case of changes in political boundaries resulting in the creation of new countries, the establishment of self-governing dominions or the transfer of territory from one country to another, the Secretary of State, the Secretary of Commerce, and the Attorney General shall make revisions of the quotas among the countries involved in the boundary changes. Aliens born in the area included in any such new country or self-governing dominion shall be considered as having been in such country or self-governing

dominion, and aliens born in any territory transferred shall be considered as having been born in the country to which the territory was transferred. Such revisions are to be made annually and reported to the President who shall proclaim the revised quotas. Since quotas now have been proclaimed under the national origin formula, the annual report, in addition to serving as a basis for the proclamation of revised quotas applicable to the countries involved in the political boundary changes, constitutes the basis for determining the nationality of immigrants seeking to enter the United States.

c. Limitations on the issuance of quota immigration visas

To be admitted into the United States, a quota immigrant must be in possession of an unexpired immigration visa. He is ineligible to receive the visa, however, if he is excludable under the law. The fact that an alien is able to satisfy the qualitative conditions for admission is no guaranty that he will receive an immigration visa. The act limits the number of visas that may be issued to quota immigrants of any nationality in any fiscal year to the quota for such nationality and in any calendar month to not in excess of 10 percent of such quota, unless the quota is less than 300, in which case the monthly quota is to be fixed by the Commissioner of Immigration and Naturalization with the approval of the Attorney General.

Section 13 (c) of the 1924 act imposes a further restriction on the admission of quota immigrants in that it excludes any immigrants who are ineligible to citizenship. Among those ineligible to citizenship, as that term is defined in section 28 of the act, are persons who are debarred from citizenship because of race. Included in the category of racially ineligibles are persons who are not: (1) White, (2) of African nativity, (3) descendants of races indigenous to the continents of North or South America or adjacent islands, (4) Filipinos, (5) Chinese, and (6) persons of races indigenous to India and any persons of such descent. Previously, section 3 of the 1917 act had set up a "barred zone" by latitudes and longitudes from which alien natives, with the exception of the Chinese, races indigenous to India, and Filipinos are excluded from the category of quota immigrants.

While the bar to Chinese immigration was removed by the repeal of the Chinese Exclusion Acts by the act of December 17, 1943,[18] the separate quota established for immigrants of Chinese nationality was subjected to the restriction that all Chinese immigrants entering the United States, except the nonquota immigrants, must be charged to the Chinese quota regardless of where they are born.[19] Likewise, the act of July 2, 1946,[20] in removing the exclusion against immigration of Indians and races indigenous to India, imposed the condition that all persons of races indigenous to India entering the United States as immigrants, except nonquota immigrants, be charged to the Indian quota regardless of place of birth.

In addition to the foregoing racial limitations applicable to the issuance of quota immigration visas, section 13 (c) of the 1924 act also precludes the admission as quota immigrants, on the grounds of ineligibility to citizenship, of deserters from the armed forces and certain citizens or subjects of a foreign country who were relieved of service or training under the Selective Service Acts of 1940 and 1948.

[18] 57 Stat. 600.
[19] 8 U. S. C. 212 (a).
[20] 60 Stat. 417, 8 U. S. C. 212 (b).

d. Classes of quota immigrants

Under the 1924 act, quota immigrants are divided into preference and nonpreference classes for the purpose of determining priority in the issuance of immigration visas. Preferential quota immigrants are further divided into a first-preference class and a second-preference class.[21]

(1) First-preference quota immigrants

Section 6 (a) (1) of the 1924 act provides that 50 percent of each quota shall be made available to the following classes of quota immigrants: (1) Parents of citizens of the United States who are 21 years of age or over and the husband of a citizen of the United States if the marriage occurred after January 1, 1948; and (2) in nationality quotas of 300 or more, persons skilled in agriculture, and their wives and dependent children under 18 years of age, if accompanying or following to join them. The quota numbers are available to the two classes of immigrants in the first-preference category without any priority between the two classes.

The preference available to parents and husbands of American citizens is limited by the definitions of "father," "mother," "wife," and "husband" contained in section 28 of the act. Proxy and picture marriages are not recognized for the purposes of the act; stepparents as such are not entitled to the preference and children or parents by adoption are not embraced within the meaning of the act unless the adoption occurred prior to January 1, 1924.[22]

First preference may be granted to parents and husbands only upon the approval of a petition submitted by a citizen relative in accordance with the provisions of section 9 of the act. The relationship claimed must be established by the filing of a petition with the Commissioner of Immigration and Naturalization, containing information sufficient to establish that the petitioner is a citizen of the United States, his relationship to the applicant and his ability to support the applicant. Upon approval of the petition by the Commissioner of Immigration and Naturalization, a consul may, upon authorization from the Department of State, grant the preference on the basis of the petition. The regulations of the Immigration and Naturalization Service supplementing the provisions of the law provide that the preferential status granted a husband or parent will be established as of the date when a properly executed petition is filed with the Immigration and Naturalization Service. The approval of the petition may be revoked at any time before the issuance of visa if the petitioner has lost his citizenship, has died, or in the case of a husband beneficiary, if the petitioner has become divorced from him.[23]

The regulations of the Department of State, supplementing the provisions of the law with respect to the first-preference classification of skilled agriculturists, require that that status may be established only upon the presentation to the consular officer of evidence that the alien is in fact skilled in agriculture. The requisite skill in agriculture may be derived from either an adequate course in an educational institution or from practical experience. Agriculture is con-

[21] 8 U. S. C. 206.
[22] 8 U. S. C. 224.
[23] 8 CFR 165.2.

sidered to include agronomy, forestry, horticulture, and animal husbandry. It is not intended that the preference be granted all persons who have worked on a farm, but only skilled farm workers or farmers. Skilled agriculturists are not exempted from the contract labor provisions of the 1917, act and consuls are admonished to require convincing proof that the applicant for the preference has a bona fide intention of engaging in agricultural work in the United States.[24]

(2) Second-preference quota immigrants

Section 6 (a) (2) of the 1924 act sets up a second-preference class of quota immigrants to which is available the remaining 50 percent of the quota of any nationality, plus any unused portion of the 50 percent available to the first-preference class for each year. This second-preference class consists of unmarried children under 21 years of age or wives of alien residents who have been lawfully admitted into the United States for permanent residence.

No petition procedure is applicable to the establishment of the second-preference status. The regulations of the Department of State require that the consular officer should be satisfied concerning the lawful admission of the relative to the United States and the relationship claimed. To establish lawful admission, the relative resident should file a Form I–475 (declaration regarding last entry into the United States) with the immigration officer at the port of entry if arrival occurred prior to July 1, 1924, or with the Central Office of the Immigration and Naturalization Service if arrival was after that date. The consular officer involved will be advised of the verification of the status of the resident relative as a lawful resident.[25]

(3) Nonpreference quota immigrants

Under section 6 (a) (3) of the 1924 act, the remaining portion of the quota of any nationality, which is not required for the issuance of immigration visas to the first-preference and second-preference classes, is made available to other quota immigrants of such nationality. The regulations of the Department of State with respect to this class of immigrants provide that if the eligible first-preference demand exceeds the first 50 percent of the quota and the eligible second-preference demand is insufficient to exhaust the second 50 percent, the unused portion of the second 50 percent shall be made available to the excess of the first-preference applicants and to the qualified nonpreference applicants without regard to any preference between the classes, but in accordance with the registered priority.[26]

e. Priorities of quota classes

While the 1924 act creates preferential status for some classes of quota immigrants, it provides no procedure for determining the priority in the issuance of immigration visas where the quotas are oversubscribed and the demand for immigration visas in the various classes of immigrants exceeds the available quota. Accordingly, the regulations of the Department of State which supplement the provisions of the law set up a system to govern the priorities in the issuance of quota-immigration visas. Within each quota class, an applicant for a quota-immigration visa may not be issued a visa out of turn,

[24] 22 CFR 61.253.
[25] 22 CFR 61.255.
[26] 22 CFR 61.256.

since such action would have the effect of according an unauthorized preference over other applicants having an earlier priority. There are, however, three exceptions, hereinafter to be noted with respect to the nonpreference class.[27]

The regulations provide a detailed procedure to be followed by the consular officers in the registration of applicants for quota-immigration visas and for the establishment of waiting lists where the quotas are oversubscribed.[28] The regulations provide that the registration of a husband or a parent confers the same registration priority on the wife or minor children. A woman who was married to her husband subsequent to the time of his registration or a child born subsequent to the parent's registration are included within the registration priority. The registration of an adult may be considered as conferring his registration priority upon the members of his immediate family whom he wants to bring to the United States with him. After the immigration of the head of a family, the priority of each member of the family left behind is determined by his actual registration. Appropriate provision is made for the removal of the names of applicants from the registration lists when they are no longer qualified applicants.

A system of priorities is established by the regulation governing the priority of consideration of the applications of quota immigrants, within each class, subject to the proviso that no alien in the United States and chargeable to an oversubscribed quota shall have a priority which antedates his last departure from the United States. That system is as follows: [29]

(1) First-preference quota class

In the case of a petition for a first-preference relative of a citizen of the United States, priority is determined by the date of approval of the petition by the Commissioner of Immigration and Naturalization. In the case of a skilled agriculturist, priority is determined by the date the alien submitted a registration form by mail to the consular office regardless of whether his classification as a skilled agriculturist occurs subsequent to that date. Neither of these categories has priority over the other.

(2) Second-preference quota class

In the case of a second-preference quota immigrant, priority is determined by the date the alien submits a registration form by mail to the consular office.

(3) Nonpreference quota class

Within the nonpreference quota class, top priority is provided for the following categories of applicants: (1) An alien child 18 years of age but under 21, born in a quota country, who is accompanying a parent to the United States who is a nonquota immigrant under section 4 (c) of the 1924 act; (2) an alien wife or unmarried minor child born in a quota country accompanying an immigrant Spanish national who is returning to Puerto Rico pursuant to the act of May 26, 1926; and (3) an alien wife or unmarried minor child, born in a quota country accompanying an alien born in Puerto Rico, Guam, or American Samoa, who is immigrating to the United States.

[27] 22 CFR 61.301.
[28] 22 CFR 61.302-308.
[29] 22 CFR 61.313.

The priorities within the nonpreference quota class, after consideration has been given to the applications of the foregoing "top priority" categories, are as follows:

(*a*) *First-priority nonpreference*

The first-priority nonpreference class consists of (1) aliens who have served honorably in the armed forces of the United States, the alien widows, parents, and unmarried minor children or stepchildren of citizens of the United States (including deceased citizens) who served in the armed forces, and aliens who served honorably as seamen for at least 1 year on vessels of countries of the United Nations engaged in sailing from ports of the United States, provided that such service occurred during the period of the war which began on September 1, 1939, and such service was not abandoned voluntarily except because of physical incapacitation; (2) aliens recommended by the Joint Chiefs of Staffs as persons whose admission is highly desirable in the national interest (this is the one case in which an alien chargeable to an oversubscribed quota may be granted a priority which antedates his last departure from the United States); (3) aliens who were displaced persons covered by the President's directives of December 22, 1945, and October 31, 1946 (this last priority is now obsolete under the Displaced Persons Act of 1948); aliens in this first-priority nonpreference group have no priority among the three groups, priority being determined by the date registration forms are received at the consular office.

(*b*) *Second-priority nonpreference*

The second-priority nonpreference class consists of aliens who applied for visas between July 1, 1941, and July 1, 1945, during which time the advisory-opinion procedure was in effect under the additional wartime visa regulations. The priority of such aliens is considered in the order in which registration forms were received by consular offices.

(*c*) *Nonpriority nonpreference*

The nonpriority nonpreference class consists of all quota applicants who do not fall within the preference groups established by the act or the first or second priority established by the regulations for the nonpreference applicants. Applications in this class are considered in the order in which registration forms are received by the consular office.

(*d*) *Chinese and Indian quotas*

Under the quota of 105 established for the Chinese pursuant to the act of December 17, 1943, it is provided that a preference up to 75 percent of the quota shall be given to persons born and residing in China and that the remaining portion of 25 percent is available to persons born outside of China. There are no other preferences under the Chinese quota.[30] Likewise, under the Indian quota a preference of up to 75 percent is granted to Indians and other aliens of races indigenous to India.[31]

(*e*) *Other statutory provisions affecting quotas*

In addition to the provisions of the law relating to the establishment and use of quotas, there are several other statutory provisions which

[30] 22 CFR 61.259-260.
[31] 8 U. S. C. 212 (b).

directly affect availability of quotas to the various nationalities. Under section 19 (c) of the 1917 act which provides for the suspension of deportation under certain circumstances, it is provided that upon the cancellation of deportation and the recording of the alien's admission for permanent residence, the Secretary of State shall reduce by one the quota of the country of the alien's nationality, if the alien was a quota immigrant at the time of entry and was not charged to the quota.[32] The charge against the quota is to be made in the current fiscal year at the time of the suspension of deportation or in the next following year in which a quota number is available, provided that no quota shall be reduced by more than 50 percent in any fiscal year.

The Displaced Persons Act of 1948[33] contains certain provisions affecting the allocation of quotas. Section 3 (b) requires that an immigration visa issued to an eligible displaced person shall be charged to the quota of the country of the alien's nationality for the current fiscal year or in the first succeeding year, provided that not more than 50 percent of any quota shall be so used in any fiscal year. A displaced person who entered this country as a nonimmigrant under section 3 or as a nonquota immigrant under section 4 (e) of the 1924 act and whose status is adjusted to a permanent resident under section 4 of the Displaced Persons Act is charged to the quota of the country of his nationality. Section 12 of the Displaced Persons Act of 1948 also directs the Secretary of State to resume general consular activities in Germany and Austria and to make available the quotas of those countries for immigration, provided that 50 percent of such quotas shall be available exclusively during the period from June 30, 1948, to July 1, 1950, to persons of German ethnic origin who were born in Poland, Czechoslovakia, Hungary, Rumania, or Yugoslavia. Thus, section 12 has the effect of cutting those quotas in half so far as other immigrant applicants are concerned.

A further exception to the general provisions applicable to quotas results from the enactment of private bills which require that available quotas be charged where the beneficiary is granted permanent residence.

The effect of the provisions of this special legislation, coupled with the permanent provisions of the 1924 act controlling quotas, is to create a confusing situation with respect to the administration of the quotas established pursuant to the 1924 act. For example, under section 6 of the 1924 act 50 percent of each quota is made available to first-preference applicants and 50 percent is made available to second-preference applicants. This, in effect, makes 100 percent of the quotas available to the preference classes. With respect to the German and Austrian quotas, 50 percent of those quotas is set aside for the exclusive use of certain specified immigrants of German ethnic origin by section 12 of the Displaced Persons Act, for a period of 2 years. Then, immigration visas may be issued to aliens whose deportation proceedings have been suspended under section 19 (c) of the 1917 act in a number not in excess of 50 percent of available quotas, and displaced persons may be issued visas in a number not exceeding 50 percent of available quotas under sections 3 and 4 of the Displaced Persons Act. Under some of the quotas there are, therefore, five classes of aliens who are entitled to make a claim upon the

[32] 8 U. S. C. 155 (c).
[33] 62 Stat. 1009.

quotas of nationalities to the extent of 50 percent, thus resulting in total preferential claims amounting to 250 percent of the quotas.

The foregoing situation, of course, is temporary so far as it results from the Displaced Persons Act. The Department of State issued regulations for guidance in administering quotas affected by the Displaced Persons Act during the period from July 1, 1948, to June 30, 1950, providing in substance that 50 percent of the quota of any nationality shall be available for the first-preference class with any unused portion being made available to the second-preference class, and, in turn, to the nonpreference class. The second 50 percent shall be available to qualified displaced persons and to aliens whose cases are adjusted under section 19 (c) of the 1917 act and the remainder, if any, shall be available to second-preference and nonpreference classes in that order. The Austrian and German quotas are treated as being reduced 50 percent under section 12 of the Displaced Persons Act for the purpose of applying the foregoing regulations.[34]

At first glance, it appears that the second-preference class of quota immigrants has been subordinated to the cases under the Displaced Persons Act and the cases of suspension of deportation under section 19 (c) of the 1917 act. An official of the Visa Division of the Department of State, however, explained that in practice the priority of the second-preference class was not disturbed. Under the quotas involved, it was explained that second-preference applicants were negligible, and if they could not be taken care of by any unused portion of the 50 percent available to the first-preference class, they must be given preference over the displaced persons and the cases of suspensions of deportation. The cases under the Displaced Persons Act and the cases of suspensions of deportation may, however, be mortgaged against quota numbers available in the future.

3. QUOTAS AND THEIR USES

a. Introduction

Immigration restriction as it exists today under the national-origins provision of the Immigration Act of 1924 is predicated on two broad principles: (1) Numerical limitation of immigration from all foreign countries, except designated countries in the Western Hemisphere, and (2) "automatic selection" of nationalities within the quota by providing a fixed immigration quota for each nationality. The formula for the quotas under the national origins system, according to the law, is as follows: The annual quota of any nationality for a fiscal year shall be a number which bears the same ratio to 150,000 as the number of inhabitants in continental United States in 1920, having that national origin, bears to the number of inhabitants in continental United States in 1920; but the minimum quota of any eligible nationality shall be 100. The quota under which an alien is classed is based upon the country of his birth and not the country of his nationality.

The national origins formula results in a rather cumbersome fraction, the numerator of which is 150,000 and the denominator of which is the number of inhabitants of the United States in 1920 who were counted for the purposes of the 1924 act. The number of inhabitants of the United States in 1920, less those whose national origins were North and South America, slave immigrants, aliens ineligible to

[34] Public notice DA-188, 13 F. R. 6752.

citizenship, and the American aborigines, left a total of 94,820,915 white persons, each of whom was attributed to a specific quota area by the processes stipulated in the law, according to the determination made jointly by the Secretary of State, Secretary of Commerce, and the Attorney General.[35]

It was determined that 5,314,357 persons had their origin in 21 nonquota American countries, leaving a total of 89,506,558 persons attributable to all quota areas. The applicable fraction, therefore, became $\frac{150{,}000}{89{,}506{,}558}$ which is equal to the decimal 0.001675854857.

To give an example of how the quotas of the various countries are arrived at: The number of inhabitants of the United States in 1920 who were derived from Great Britain and Northern Ireland was finally fixed at 39,216,333. This figure (39,216,333) multiplied by the decimal given above (0.001675854857) equals 65,721, which is the quota for Great Britain and Northern Ireland.[36]

b. The use of quotas

Under the quota law which became effective July 1, 1929, 3,076,254 quota immigrants could have entered the United States in the last 20 years, but only 836,085 were admitted into this country during that period. One of the main reasons for this is that the people of some of the countries of northern and western Europe have not been taking advantage of the quotas available to them. In the aggregate, the quotas available to quota countries during the past 20 years have been only approximately 27 percent used. This is not, of course, the total immigration to this country, because, in addition to quota immigration, there is a large volume of nonquota immigration. For example, during the fiscal year 1948, while there were only 92,526 persons admitted as quota immigrants, there were 78,044 nonquota immigrants. In some fiscal years, the number of nonquota immigrants admitted has exceeded the number of quota immigrants admitted. The largest portion of the quota, naturally, is available to Europe, since our population, on the basis of the 1920 census, was made up principally of people whose national origin was in Europe. The total quota for all countries during 1948 was 153,929. Out of this total, 150,501 quota numbers were available to people in countries of Europe, 125,853 for northern and western European countries, and 24,648 for southern and eastern European countries. The total quota for Asia was 1,528 and the total quota for Africa was 1,200, while the total quota for the Pacific area was 700.

While there have been 2,240,169 unused quota numbers during the past 20 years, our total immigration, including both quota and nonquota immigration, during that period amounted to 1,555,983, so that the difference between the unused quota numbers and the total immigration for the 20-year period amounts to 684,186. If quota immigration had been larger for the past 20 years, nonquota immigration very likely would have been considerably larger also since a greater portion of the nonquota immigration consists of relatives of the quota immigrants who have come to this country.[37]

[35] For the results of the national origins study of 1920, see appendix XII, table 1, p. 886.
[36] Specific quota allocations under the three quota laws are given in appendix XII, table 2, p. 886.
[37] The number of quota and nonquota immigrants admitted since 1930 is shown in appendix XII, table 3, p. 889. A summary of the various classes of immigrants by areas of origin appears in table 4, p. 889.

A greater percentage of the quotas for the countries of southern and eastern Europe has been used than have the quotas for the countries of northern and western Europe. For example, the quotas for the period of 7 years ending June 30, 1948, for countries of northern and western Europe totaled 880,971 but there were only 156,498 quota admissions. Thus the quotas for this section of the world were only 17.7 percent used. On the other hand, the total quotas for countries of southern and eastern Europe for the same period amounted to 172,536, with 73,987 quota admissions. Thus, the quotas for this section of the world were 42.8 percent used.

Not only was quota utilization from southern and eastern Europe relatively high but the proportion of preference quota immigrants from this area was also high; 43.3 percent of the quota immigrants of southern and eastern European origin who entered since 1930 were given preference within the quota, but only 15.2 percent of the quota immigrants of northern and western European origin were given preference.

Most of the preference immigrants have been close relatives of United States citizens or of alien residents in the United States. Despite the preference in the law to skilled agriculturists and their wives and children under 18 years of age, there has been a general decline in agricultural immigration since the enactment of the quota law. Most of the skilled agriculturists have come from northern and western Europe.

One of the primary objectives in the establishment of our quota system was to preserve the balance among the various elements in our white population.

While slightly over 79 percent of our white population, according to the census of 1920, was of northern and western European origin, immigration for the period from 1924 to 1946 was only 43.1 percent from northern and western Europe. On the other hand, although 15.07 percent of the 1920 white population was of southern and eastern European origin, immigration from 1924 to 1946 from southern and eastern Europe amounted to 18.9 percent. In 1920, 5.6 percent of our white population was of Western Hemisphere origin but immigration from the Western Hemisphere from 1924 to 1946 amounted to 36.2 percent of our total immigration.

From 1925 through 1947, two different quota laws were in effect. From 1925 to 1929, the quota law was based on 2 percent of the foreign-born in the country according to the census of 1890 and the total quotas amounted to slightly over 160,000. Beginning in 1929, the national origins quota law became effective, which established quotas aggregating approximately 153,000. The total quota numbers available for the period from 1925 to 1947 were 3,591,731, but in that period there were only 1,392,135 quota immigrants admitted. There was therefore only a 38.8 percent usage of the quotas. During this same period there were 1,325,871 nonquota immigrants admitted, making a total of 2,718,006 quota and nonquota immigrants, which is equal to 75.7 percent of the number who could have been admitted as quota immigrants alone.

From 1930 to 1947, after the national origins law became effective, a total of 2,768,396 quota numbers were available, but only 630,513 admitted. There was, therefore, a 22.8-percent usage of the quotas. During the same period, the number of nonquota immigrants was

566,583, totaling 1,197,096 quota and nonquota immigrants or 43.2 percent of the number who could have been admitted as quota immigrants.[38]

From 1925 to 1929, when the 2-percent quota law was in effect, 92.5 percent of the available quotas was used; from 1930 to 1934, under the present quota law, 29.8 percent of the quotas was used; from 1935 to 1939, 21.9 percent; from 1940 through 1944, only 15.8 percent; in 1945, 7.6 percent; in 1946, 18.9 percent; in 1947, the usage increased to 45.9 percent. In 1948 usage increased to 60.1 percent and to approximately 73 percent in 1949.

From 1925 to 1929, before the national origins quotas became effective, the countries of northern and western Europe utilized 93.2 percent of their quotas, and the countries of southern and eastern Europe utilized 96.1 percent. A change in the pattern of immigration from these two areas appeared in the period from 1930 to 1934: The northern and western European countries utilized 27.3 percent of their quotas, while the countries of southern and eastern Europe utilized 44.4 percent. From 1935 to 1939, northern and western Europe utilized 16.2 percent and southern and eastern Europe utilized 53.3 percent. From 1940 to 1944, northern and western Europe utilized only 12.1 percent, and southern and eastern Europe, 36.7 percent. In the fiscal year 1945, northern and western Europe used 5.8 percent and southern and eastern Europe used 16.1 percent; in the fiscal year 1946, countries of northern and western Europe used 13 percent and southern and eastern Europe used 46.3 percent; in the fiscal year 1947, northern and western Europe used 37.4 percent and southern and eastern Europe used 89.6 percent; in the fiscal year 1948, the countries of northern and western Europe utilized 53.5 percent and the countries of southern and eastern Europe utilized 94.3 percent of their quotas.[39]

Immigration from Canada and Newfoundland has also increased considerably in recent years, rising from 2 percent in 1910 to 12.9 percent in the period from 1911 to 1920. From 1911 to 1948, immigration from those sources has averaged 24.8 percent of our total immigration. Although immigration from this area is nonquota, it has its effect on the composition of our population since about 90 percent of Canadian immigrants are of northern and western European stocks, with the English, French, Irish, and Scotch races predominating.

From 1930 to 1948, three-fifths of the nonquota immigrants from the Western Hemisphere have come from Canada, while the other two-fifths have come from Mexico, the West Indies, Central and South America. It is estimated that slightly over 50 percent of the nonquota immigration from the Western Hemisphere countries since 1930 has been composed of northern and western European stock, as compared with the 79 percent northern and western European stock in the population according to the census of 1920. From 1900 to 1930, immigration from northern and western European countries dropped to 23.4 percent of our total immigration and that from southern and eastern European countries rose to 52.9 percent of the total. Over the whole period from 1820, when our first immigration act requiring that a record of immigrants be kept was passed, through 1948, 48.3 percent of the total immigration came from northern and western

[38] See appendix XII, table 4, p. 889.
[39] Details of the use of quotas for various areas of the world from 1925 to 1947 are given in appendix XII, table 6, p. 890.

Europe and 36.4 percent came from southern and eastern Europe; 8 percent came from Canada and Newfoundland; 2.1 percent from Mexico; and 5.2 percent from other countries.[40]

From 1925 to 1929, when the 2-percent quota law was in effect, the total quota for northern and western Europe was 704,995 and 656,832 quota immigrants were admitted, leaving only 48,163 unused quota numbers. Germany had the largest quota, 51,227 a year. For the 5-year period, the German quota totaled 256,135 of which the Germans used 202,363, leaving a balance of 13,772 unused quota numbers. The second largest annual quota was allotted to Great Britain, 34,007. For the 5-year period the quota for Great Britain totaled 170,035 of which Great Britain used 154,151, leaving a balance of 15,884 unused quota numbers. The third largest quota was allotted to Ireland, 28,567. For the 5-year period the quota for Ireland totaled 142,835 of which Ireland used 132,715, leaving 10,120 unused numbers.[41]

The total available quota for the 5-year period from 1925 to 1929 for countries of southern and eastern Europe was 102,115. The largest was allotted to Poland, an annual quota of 5,982. For the 5-year period the quota for Poland totaled 29,910, of which Poland used 29,000, leaving a balance of 910 unused quota numbers. The second largest, 3,845, was allotted to Italy. For the 5-year period the quota for Italy totaled 19,225 of which was used 18,389, leaving a balance of 836 unused. The third largest quota for those countries, 3,073, was allotted to Czechoslovakia. For the 5-year period the quota for Czechoslovakia totaled 15,365 of which Czechoslovakia used 14,668, leaving 697 unused. The annual quota for the Union of Socialist Soviet Republics was 2,248, or 11,240 for the 5-year period, of which 10,275 were used, leaving a balance of 965 unused quota numbers.

During the years from 1925 to 1929, when the 1890 census quota formula was in operation, the annual immigration quota was 164,677. Northern and western Europe received 85.6 percent and southern and eastern Europe received 12.4 percent of the quota. Quota fulfillments averaged 92.5 percent per year.

From 1820 through 1890, 81.3 percent of our total immigration came from countries of northern and western Europe while 4.6 percent of our total immigration came from southern and eastern Europe. From 1891 through 1940, 30.4 percent of our total immigration came from northern and western European countries, while 47.8 percent of our total immigration came from southern and eastern Europe. From 1941 through 1948, 29.3 percent of our total immigration came from countries of northern and western Europe, while 9.2 percent came from southern and eastern Europe.

c. Preferences within quotas and oversubscription of quotas

Section 6 of the Immigration Act of 1924 provides that 50 percent of the annual quota of each nationality shall be made available for the issuance of immigration visas to the first-preference class of immigrants, and that the remaining 50 percent of the quota, plus any unused portion of the first-preference class, shall be available to the second-preference class. Any portion of the quota of each nationality not required for use by the preference classes shall be

[40] Immigration and Naturalization Service, Monthly Review, February 1944, p. 77.
[41] See appendix XII, table 7, p. 890.

made available to the nonpreference class of immigrants. The following table covering the period from June 30, 1930, to June 30, 1948, sets forth the various classes of quota immigrants during that period.[42]

Class:	*Number*
Preference quota immigrants	165, 886
Parents and husbands	73, 371
Wives and children of alien residents	69, 969
Skilled agriculturists	22, 546
Nonpreference quota immigrants	557, 153
Total quota immigrants	723, 039

4. THE QUOTA SYSTEM IN OPERATION

The present quota system based on the national origins formula was a highly controversial issue at the time of its adoption and has generated much debate on its merits as the method of controlling the accretion of aliens to our population. There are those who staunchly defend the system as the only means of preserving the racial composition of our population, our native culture, and democratic institutions. Some favor even more restrictive measures. On the other hand, the system has been labeled as discriminatory against certain nationalities and its removal from the law is demanded. Others insist that there should be some liberalization of the system to permit the entry of more immigrants, to permit the fuller use of present quotas, or to provide greater selectivity in the type of immigrants admitted.

The treatment of the classes of quota immigrants under the quota system will, therefore, be concerned not only with the suggestions made with respect to the particular classes of immigrants included in the system, but also an over-all appraisal of the basic principles upon which the quota system is founded.

Under the national origins formula in section 11 (b) of the 1924 act, the total quota available to immigrants desiring to enter the United States at present is 154,206, distributed in accordance with the national origins formula. In addition to setting out a formula for determining quotas, the act provides a system of preferences for the assignment of quota numbers to eligible applicants.[43]

Many suggestions have been made both before the subcommittee, in the Congress, and in various writings on the desirability of changing the method of allotting quota numbers as well as modifying the basic formula under which quotas are established. Before attempting to analyze suggestions involving drastic changes in the fundamental principles of the present quota system, attention is directed to comment and suggestions with reference to the treatment of the particular quota classes.

a. First-preference class

The quota immigrants entitled to first preferential treatment under the 1924 act are certain relatives of American citizens and skilled agriculturists. The preferential treatment of the relative class,

[42] Monthly Review, January 1947; Immigration and Naturalization Service, Annual Reports 1947 and 1948. A list of oversubscribed quotas, as of June 10, 1949, is given in appendix XII, table 8, p. 891. A list of the registered demand for quota immigration visas appears in table 9, p. 892.

[43] See p. 423.

including parents and husbands of certain American citizens, represents a recognition of the policy of preserving the unity of the family. The preferential treatment of skilled agriculturists represents an instance under the immigration laws of true selectivity in the determination of immigrants to be admitted from the standpoint of the requirements of this country. In other instances, the qualifications for admission are fixed by law, and if the immigrant meets those qualifications he may enter the country if a quota number is available.

The suggestions presented to the subcommittee dealt in general with the enlargement of the first-preference group to facilitate the entry of close relatives of American citizens. It has been suggested that parents of American citizens be removed from the first-preference class and be accorded nonquota status, since in most cases the parents have a short life expectancy and, therefore, the fulfillment of their desire to spend their last days with their citizen children would not be detrimental to our immigration system. Consular officers who made the suggestion stated that the change would make more quota numbers available to the nonpreference group in the countries where quotas are oversubscribed and thereby permit the entry of younger and more productive workers. One consular officer urged restriction of the nonquota status of parents to persons in countries with quotas of less than 1,000. Another suggested that parents of citizens be admitted as nonimmigrants under a bond and subject to deportation if they apply for an old-age pension or become a public charge.

It was pointed out by a consular officer that under the first-preference category, the preference granted parents is not available to alien parents of minor children citizens. Accordingly, it was suggested that since the immediate family of both adult citizen and alien residents are granted some preference, it should be provided that citizen minors may confer a preference on their alien parents. Otherwise it is difficult for the citizen minors to return to the United States to take up the duties of citizenship. Another consular officer stated that within the experience of his office, some first-preference relatives had minor children chargeable to oversubscribed quotas and the applicants preferred to wait until their children reached their quota turn rather than have their cases considered immediately. He recommended that the first-preference classification be extended to embrace accompanying unmarried children of first-preference relatives.

The recommendation was made to the subcommittee by a representative of the Association of Immigration and Nationality Lawyers that the preference classes be enlarged to include brothers, sisters, grandparents, and all relatives of American citizens within the third degree of consanguinity at common law.

Two consular officers suggested the elimination of skilled agriculturists from the first-preference category, on the grounds that there is not sufficient need for skilled agriculturists to justify the preference; that the preference is difficult to administer, because of the narrow line of distinction between ordinary agricultural workers and skilled agriculturists; and that the elimination of this class would relieve the pressure on the first-preference relative group.

The suggestion that the first-preference parents be made nonquota is to be considered in connection with the nonquota classes.[43] The

[43] See p. 469.

subcommittee has already recommended removal of the inequality of the sexes under the immigration laws, and since that decision will have the effect of extending the nonquota status to all husbands of American citizens regardless of the date of marriage, it will no longer be necessary to include in the first-preference category husbands of citizens where the marriage occurs after January 1, 1948.

During the fiscal year 1948, 2,010 skilled agriculturists entered under the first-preference, a substantial increase over the 810 during the fiscal year 1947, and the 11 who entered during 1946. It is the opinion of the subcommittee that there is adequate justification for according preference to skilled agriculturists who are needed in the country. It is the opinion of the subcommittee that there is no adequate justification for extending the first-preference class to include additional relatives of American citizens. It is believed that any first-preferential treatment of relative immigrants should properly be limited to parents of American citizens over 21 years of age.

b. Second-preference class

The establishment of the second-preference class of immigrants under section 6 (a) (2) of the 1924 act is a continuation of the policy of recognizing the desirability of maintaining the unity of the immigrant family. That class consists of wives and unmarried children under 21 years of age of alien residents lawfully admitted into the United States for permanent residence. Two consular officers suggested that husbands of alien residents be included in the preference class since there have been cases where the husband is the only member of the immigrant family left abroad, with a prospective waiting period of a number of years until the wife becomes naturalized thus conferring nonquota or first-preference status upon him. The subcommittee recommends that husbands of alien residents should be included in the second-preference class.

c. Nonpreference class

Since 50 percent of each quota is available to the first-preference class and 50 percent to the second-preference class, it is possible that the entire quota for a country may be used by the preference classes. The portion of any quota not used by the preference classes is available to other immigrants who can meet the requirements of the act. No provision is made for priority among the nonpreference group. The Department of State has, however, established a system of administrative priorities applicable to the nonpreference class. This system is premised on the ground that, since the law is silent with respect to any priorities, the necessary administrative action is justified. In the opinion of some, the system has no basis under the act. The system provides a top priority for children 18 years of age but under 21, born in a quota country and accompanying a section 4 (c) nonquota parent; for certain alien wives and children accompanying Spanish nationals returning to Puerto Rico; and for alien wives and children accompanying aliens born in Puerto Rico, Guam, and American Samoa. The necessity for granting a priority to the quota children will be unnecessary under the general recommendation that the provisions relating to all children under the act be made uniform by defining a child as an unmarried person under 21 years of age.

Other administrative regulations provide in substance for a first priority for certain persons and their families who served in the armed

forces of the United States; seamen who served on United Nations vessels; and aliens recommended by the Joint Chiefs of Staff; and for a second priority for aliens who filed forms or on whose behalf forms were filed in connection with the advisory-opinion procedure under the wartime visa regulations.

A consular officer recommended that the priority system under the nonpreference class be abolished since hostilities have ceased, that the great majority who could apply under the system have done so, and that the system has, therefore, outlived its usefulness. It was suggested that the preferences might be changed to 50 percent for the first-preference class, 25 percent for the second-preference class, and the remaining 25 percent would be available to the nonpreference group, since, under the present law, all immigration from oversubscribed countries is halted unless the alien's immediate family lives in or is a citizen of the United States. The suggestion was made by another consular officer that a first-priority nonpreference status should be created for brothers and sisters of American citizens, since many families were almost completely destroyed in the last war, leaving a brother or sister of an American citizen as the only survivor.

It is the opinion of the subcommittee that to fix a detailed system of priorities in the law for the nonpreference class of quota immigrants would become far too complex to be of any real value. The system of priorities established by the Department of State is already obsolete in some instances. A better procedure is to leave the establishment of any system of priorities within the nonpreference category to administrative discretion to maintain necessary flexibility, except in the case of brothers and sisters of American citizens. The subcommittee has been informed that the applications of brothers and sisters of American citizens for immigration visas presents the most serious problem in the nonpreference class, and, therefore, recommends that some preferential treatment should be accorded brothers and sisters of American citizens.

d. Additional nationality quotas

Under the present system, an alien is chargeable to the quota of the country of his birth regardless of his nationality, except in the case of persons who are predominantly of the Chinese race or of races indigenous to India, in which case they are chargeable to the Chinese or Indian quota wherever born. It was suggested by two consular officers that this system frequently works a hardship on British nationals born in India, since they have little chance of obtaining a visa under the small Indian quota. It was suggested that additional quota numbers be provided for white persons born in India. It is recognized that this would alleviate the problem in India insofar as the British applicants are concerned but it would tend to set a precedent for the establishment of separate "white quotas" for other minimum quota countries with nonwhite population.

A representative of the Ukrainian Congress Committee of America recommended the establishment of a Ukrainian quota on the grounds that the Ukrainian state has been recognized and has its own representation in the United Nations. It appears to the subcommittee that under section 12 of the 1924 act, adequate provision is already made for the establishment of quotas in the case of changes in political boundaries resulting in the creation of new countries.

e. Determination of nationality of immigrants

Several recommendations were received by the subcommittee with reference to modifying the method for determining the nationality of the immigrant. The rule is that nationality is determined by the country of birth. Representatives of the Department of State recommended that the provision be modified to provide that the immigrant be charged to the quota of the country of birth or the country of his nationality at the time of birth. Two consular officers urged that British subjects born in India be charged to the British quota, since India has a minimum quota of 100 against which there is a great demand, while the large British quota is never fully subscribed. It is the view of the subcommittee that the rule should not be changed in the case of the British and not extended to other nationalties. The probable ramifications of the proposed change in the rule appear undesirable. It was the view of an official of the Immigration and Naturalization Service that there should be no change in the rule with respect to adult persons, and since minors accompanying their parents may be charged to their parents' quota at present, there is probably no need for the change with respect to minors.

Under section 12 of the 1924 act, a wife of a different nationality from her husband may be charged to her husband's quota if her quota is exhausted, but similar provision is not made for charging a husband to a wife's quota. Consistent with previous recommendations of the subcommittee, it is recommended that the exception contained in section 12 (a) (2) be made applicable to husbands as well as to wives.

It was also suggested to the subcommittee that adult children be permitted to be charged to the quota of either accompanying parent. The subcommittee rejects this suggestion since the mere act of accompanying a parent does not appear to be sufficient justification for differentiating between other adults. At present the act provides that the nationality of a child under 21 accompanied by its alien parent shall be determined by the parent's nationality, but if accompanied by both parents, then by the father's nationality. In order to prevent the separation of a child from its parent or parents, the subcommittee recommends that it be made optional, rather than mandatory, whether the child shall be charged to the quota of the accompanying parent, and further, that the child may be charged to the quota of either the father or mother when accompanied by both.

f. Allotment of quota numbers

A representative of the Department of State in explaining the procedure followed in the distribution and allocation of quota numbers, stated that to his knowledge there has never been a case where an alien's application was considered out of its regular turn. Two systems are followed in allocating the quota numbers. Under the "block-allotment plan," each consular officer throughout the world sends to the quota-control office his request for quota numbers for each quota for which he has applicants. A computation is made on a world-wide level and the quota numbers are distributed to the various officers in the ratio of the demand of each office to the total demand. Although the number allotted may be insufficient to meet the demand of every officer, a proportionate deficiency would exist in every con-

sular office. The difficulty with the plan is that officers are prone to send in requests for more quota numbers than the actual demand.

The "alternative quota-control system," is applied where quotas are greatly oversubscribed. Each consular office makes out a list of qualified applicants under each quota, chronologically, on the basis of dates of registration. The list is sent to the quota-control office, which compiles the requests on a world-wide level and allots 10 percent of the quota per month down the list. This plan was stated to be a little more satisfactory but more complicated, since by the time an applicant is assigned a number he may have died, moved, or otherwise removed himself from the list.

It was pointed out that there is no provision in the law for a waiting list or for a priorities system, and it was suggested that some statutory provision for the registration of aliens in the various categories and for their applications to be considered strictly in the order of their priority would be desirable. While the subcommittee does not question the manner in which quota numbers have been distributed, it agrees that as a matter of good practice provision should be made along the lines suggested. It does not believe that the law should prescribe the specific manner in which the registration should be carried out. It is, however, recommended by the subcommittee that a general provision be inserted in the law that the applications of immigrants for visas shall be registered in accordance with regulations prescribed by the Commissioner of Immigration and Naturalization and the Director of the Bureau of Passports and Visas of the Department of State and that all visas shall be issued strictly in accordance with the priority of registration. It is also deemed necessary to provide for the order in which applications for quota-immigration visas are to be considered.

g. Petition procedure

The first-preference status accorded to parents and husbands of American citizens under section 6 (a) (1) of the 1924 act is conditioned upon the approval of a petition filed pursuant to section 9 of the act by the citizen relative. The petitioning relative must verify his citizenship, the relationship to the beneficiary, and his ability to assure that the beneficiary shall not become a public charge. The complaint against the procedure is that it is cumbersome and unnecessary, since the consular officers can make the determination as in other cases without the frequent delays. Objections were directed particularly at the fact that where the petitioner is abroad, the petition must still be forwarded to the Immigration and Naturalization Service even though the consular officer is in a position to make the determination.

In a typical case, for example, the petition is filed, and if a prima facie case of eligibility is established, the petition is forwarded to the central office of the Immigration and Naturalization Service where it is attached to the related files of the petitioner and beneficiary. The supporting documents are then examined to determine whether the alleged relationship exists and whether the beneficiary is likely to become a public charge. If the petition is approved, it is sent to the Visa Division of the Department of State. The finding by the Immigration and Naturalization Service is binding on the consular officers, subject to the practice of granting further consideration to the petition

where the consular officer has any reason to question the existence of the alleged relationship. The approval of a petition does not determine the question of the admissibility of the alien but merely determines his first-preference status.

Consular officers suggested a simplification of the procedure in cases where an American citizen abroad petitions for a first-preference relative. In those cases, the petitioner's birth certificate would be on file with the Department of State as a prerequisite to the issuance of his passport. To obtain another birth certificate may cause a delay of upward of 3 months, and exchange controls in some countries prevent the transfer of even the small fees necessary to obtain a birth certificate. A number of consuls asserted that the petitioner's citizenship is evidenced by his passport and consuls are in a position to pass upon the relationship between the petitioner and the beneficiary and the financial responsibility of the petitioner and the beneficiary. It was asserted that consuls follow a similar procedure at present when granting first preference to skilled agriculturists, nonquota status to wives and children of section 4 (c) applicants, and second-preference status to wives and children of alien residents.

Other suggestions were received for the simplification of the petition procedure. An American citizen seeking to bring in a first-preference relative must submit to the Immigration and Naturalization Service proof of citizenship and proof of his financial ability to support the relative, supported by documentary testimony of two witnesses. The approved petition is forwarded to the consul who also passes on financial ability. If the visa is issued, the Immigration and Naturalization Service has an opportunity to again pass upon the case when the alien applies for admission. On the other hand, a resident alien who desires to bring in a second-preference relative has only to obtain verification of legal entry, and the consul makes the determination of relationship and financial responsibility in the first instance. Accordingly, it was suggested that the participation of the Immigration and Naturalization Service in first-preference cases be limited to the determination of citizenship, and the determination of financial responsibility and relationship, as well as the other standards of admission, be left to the consuls in the first instance. As an alternative, it was suggested that the procedure should be simplified by providing that the adequacy of a petition be determined by a single administrative agency, whose decision would be final.

It is the opinion of the subcommittee that the petition procedure provided in section 9 of the 1924 act should be retained with some modification. The procedure was designed to insure the establishment of the relationship claimed by the petitioner and assurance that the beneficiary will not become a public charge. The subcommittee has been reliably informed that the present procedure requiring affidavits of support does not afford any real assurance of the petitioner's ability to support the alien relative, and it is recommended that it be eliminated. The likelihood of the alien becoming a public charge will be passed on as in other cases. The petition procedure does afford a guaranty of the existence of the claimed relationship, and it is to be made applicable to all immigrants claiming a preferential status based on relationship to American citizen or alien resident.

h. Disposition of unused quota numbers

Considerable discussion has revolved around the question of the disposition of unused quota numbers. While the total quotas available under the 1924 act have amounted to 2,922,325 from July 1, 1929, to June 30, 1948, only 723,039 quota immigrants have entered the country so that approximately 75 percent of the available quotas have not been used. Section 11 of the 1924 act prohibits the use of the unused portion of the annual quota in any subsequent year and the use of more than 10 percent of any quota in any one month. Nationalities with the largest quotas have failed to register sufficient demand to fill them, and the unused portions of the annual quotas lapse.

The proponents of a wider utilization of the quotas proceed, generally, on the assumption that since the Congress fixed the maximum quota at a level of approximately 150,000 per year, the Congress thereby determined that this country is capable of assimilating that number each year and, therefore, more of the quota numbers should be made available to aliens, irrespective of nationality, desiring to enter this country.

It was suggested to the subcommittee by a representative of the Common Council for American Unity that the 1924 act be amended to permit the use of any unused portion of a quota in the last 3 months of the calendar year without numerical restriction. It was pointed out that the present provision which permits only 10 percent of a quota to be used in each month where the quota is in excess of 300 was designed to assure a uniform flow of immigrants to distribute the workload of the consuls. While it was admitted that the change might throw some burden on the consuls in the last 3 months, it was asserted that the burden would not be too great. The suggestion was also made that any unused quota for the year should be carried over.

A representative of the Department of State stated that the work load could not be handled in the absence of the 10 percent monthly limitation. Normally, 100 percent of the quota is used in the first 10 months of a calendar year, leaving a period of 2 months in which to recapitulate and plan the quota program for the next fiscal year. It is the opinion of the subcommittee that it would be unwise to adopt the suggested modification.

The subcommittee received another suggestion which would allow the full complement of 150,000 immigrants to be admitted each year. This would entail taking the registered demand for quota numbers in the Visa Control Office of the Department of State and dividing the unused quotas on the basis of the ratio of the registered demand of each nationality to the total registered demand. Because of the 10 percent monthly limitation, the unused portion of the quotas would be available for use in each succeeding month. It was stated by the proponent of this plan that it would provide an equitable basis for the distribution of quota numbers. The inevitable result of the plan would be to transfer part of the quota from northern and western Europe to southern and eastern Europe. It is obvious, therefore, that the plan would disrupt the national origins system, since the quotas for southern and eastern Europe have a higher percentage of usage than the quotas for northern and western Europe. To distribute

the unused quotas on the basis of the registered demand would shift more quota numbers to the countries of southern and eastern Europe.

A representative of the American Jewish Congress made the proposal that, if the national origins quotas cannot be abolished, greater opportunity to use the quotas should be provided by carrying over unused quotas from one year to the next and by transferring unused quotas from one country to another. These quota numbers would be available irrespective of national origin and in the absence of priorities established by the Congress, would be distributed on the basis of priority of applications filed by citizen sponsors. It was proposed that, if a system of priorities is deemed necessary, the unused quota numbers be granted first to refugees who are persecuted on religious, racial, or political grounds; second, to husbands, wives, minor children, parents, adult children, brothers, sisters, and other relatives of alien residents, and third to aliens on the basis of occupational standards as certified by representatives of labor and industry. The subcommittee cannot accept the adoption of this proposal to be superimposed on the national origins quota. The administrative difficulties which would be involved are apparent, and the proposal constitutes a substantial departure from the basic national origins principle.

The observation was made that the rigid rules of the quota laws preclude any adjustment to meet unusual conditions. Thus, while a war may interrupt the flow of immigrants and cause the loss of quota numbers, there is no flexibility in the law to permit adjustments to meet postwar emergencies, since the unused quotas are not available and the mortgaging of future quotas is not permissible in the absence of special legislation.

A field officer of the Immigration and Naturalization Service suggested that unused quotas be made available, in the discretion of the Commissioner of Immigration and Naturalization Service, to applicants from countries with oversubscribed quotas, thereby permitting a maximum use. Two consular officers suggested that the quotas could be more equitably distributed by making the unused quotas available to oversubscribed countries. One officer made the additional suggestion that, in the case of hardship among any particular group of people resulting in economic or political oppression, the President, with the consent of the Senate, could apply the unused portions of the quotas for the relief of such group.

The substance of all these proposals is to achieve a maximum use of quota numbers under the present formula. The subcommittee must reject all of these changes. The 1924 act does not provide that 150,000 aliens should be admitted annually, but, rather, that that number might be admitted, provided that the aliens to be admitted come from certain nationalities in a prescribed proportion to maintain the nationality composition of the country. There is no reason at this time to change the basic principle underlying our immigration policy.

5. SUMMARY OF COMMENT ON POLICIES FOR CONTROLLING IMMIGRATION

a. General

Our immigration policy at present, although selective to a very limited extent, is primarily based on the principle of numerical re-

striction. It cannot be said to be really selective nor fully restrictive. The selective feature is negative in form: The alien is excluded unless he can meet the standards of admission. It has been noted that, while the admission of quota immigrants is numerically limited, the number of immigrants who enter under a nonquota status approximates the number who enter as quota immigrants. Most of the comment before the subcommittee concerning a revision of our immigration policy was directed at those two principles; that is, whether the quality of the immigrants being admitted should be improved by the incorporation of positive standards of selectivity and whether the numerical limitations should be relaxed or be made more restrictive.

It was pointed out by a representative of the Department of State that there are two broad theories for the control of immigration. One is that there shall be no admission of immigrants unless there is specific provision for admission; the other is that admission of aliens is permitted unless there is a specific prohibition against it. The latter theory applies to our system of immigration. Thus, if a quota number is available and the immigrant is not excludable, he may be admitted in accordance with the preferences and the priority of his application.

b. National origins system

(1) Principles

It has been seen that Congress had two purposes in mind when it adopted the national origins formula. The first was to provide a basis for determining quotas for the numerical restriction of the flow of immigrants to this country. The second, and broader purpose, was to preserve the composition of the population of the United States on the basis of the proportionate contribution of the various nationality groups. As one expert on the subject has described the latter purpose, the national origins system represented "the will of Congress to preserve the racial composition of the United States through the selection of immigrants from those countries whose traditions, languages, and political systems were akin to those of this country." [44]

The legislative history of the national origins system has been discussed in detail elsewhere and need not be repeated in full at this point.[44] A brief reference to the legislative background of the system and the atmosphere prevailing at the time of its adoption will be of assistance in the evaluation of the suggestions which have been made.

The act of May 26, 1924,[45] the permanent quota law, was passed after extensive hearings and congressional debate. The act provided for a temporary quota for each country based on 2 percent of the foreign-born population in the United States according to the 1890 census. This quota was to remain in effect until July 1, 1927, the effective date of the national origins system. The effective date was, however, twice extended by joint resolutions of the Congress, so that quotas under the national-origins formula were not established until July 1, 1929.

In the course of the hearings, prior to the adoption of the new quota act, discussion centered largely around the census year upon which

[44] Helen F. Eckerson, "Immigrants and National Origins," Immigration and Naturalization Service, Monthly Review, October 1945, p. 213.
[45] 43 Stat. 153.

the 2-percent quota should be based, since sentiment had crystallized for restriction under some form of a quota system. The proponents of restriction of immigration from southern and eastern Europe favored the use of the census of 1890, since most immigration from that area came after 1890. There were many who favored the 1920 census, since it would reflect the increased foreign-born in the United States. It is apparent from the hearings on the bill that the choice of the census year 1890 as the basis for the formula was designed to restrict immigration from southern and eastern Europe and to favor immigration from northern and western Europe. This was frankly admitted in the majority House report on the proposed bill: [46]

> With full recognition of the material progress which we owe to the races from southern and eastern Europe, we are conscious that the continued arrival of great numbers tends to upset our balance of population, to depress our standard of living, and to unduly charge our institutions for the care of the socially inadequate.
>
> If immigration from southern and eastern Europe may enter the United States on a basis of substantial equality with that admitted from the older sources of supply, it is clear that if any appreciable number of immigrants are to be allowed to land upon our shores the balance or racial preponderance must in time pass to those elements of the population who reproduce more rapidly on a lower standard of living than those possessing other ideals.

The national origins feature of the quota law did not appear until proposed as an amendment to the bill when it was under consideration by the House of Representatives.[47] The amendment proposed to change the formula for allocation of quotas from the number of foreign-born residents of each nationality in a particular year to the number of each nationality in the population of the United States in a particular year on the basis of national origins. The proposed amendment was voted down by the House on several occasions, and the bill as passed by the House did not include the national origins formula.

The national origins formula was inserted in the Senate version of the bill, retained in conference, and finally passed by the Congress. While the effective date of the national origins formula was twice postponed and debate continued in the Sixty-ninth, Seventieth, and Seventy-first Congresses on various proposals to repeal or defer the formula, it finally became effective on July 1, 1929, and our quota system has been controlled by it since that date.

The discussion and debates which centered around the adoption of the 2-percent quota system and the national origins formula leave little doubt that one of the motivating reasons behind the enactment of the law was the restriction of immigration from southern and eastern Europe in order to preserve a predominance of persons of northwestern European origin in the composition of our total population. The expressions of the proponents of the bill clearly indicate a belief in the necessity for the maintenance of a preponderance of strains of the early elements in our population if the fundamental institutions of the Nation were to be preserved and the superior position of the Nation maintained.

In testifying before the subcommittee, a representative of the American Jewish Congress, in advocating more flexibility in our system, commented on the fact that the three main features of our immigration laws vary with public attitudes. Those features are the

[46] Second House report to accompany H. R. 7995, 68th Cong.
[47] Congressional Record, vol. 65, pt. 6, 68th Cong., 1st sess., pp. 6110-6111.

principles of selectivity, numerical restriction, and racial and national exclusions. It was asserted that selectivity under the qualitative standards of the 1917 act has the support of the American people, and no legislation which weakens that principle deserves serious consideration; that the principle of numerical restriction does not have wide support, but the necessity for its abandonment is doubtful since the total available quotas are never used, and that the principles of racial and national exclusions have been repudiated by the public.

In a statement submitted to the subcommittee he reviewed the various theories of racial and ethnic inferiority allegedly underlying a consideration of assimilability under the system which it is contended have been disproved. The gist of the argument presented is that mere differences in the rate of adjustability because of race, language, and nationality are too narrow a basis for establishing quotas, since the theories of assimilability and adjustability have no basis in fact. It was stated:

> One would think that, if assimilability were all important, and members of the preferred group did not immigrate in permitted numbers, as has been the case, it ought to be possible to absorb greater numbers of the disfavored group. The national-origins formula does not permit this. Instead it says: "Even if we cannot have the preferred group, we will take very few of the others." That is the arbitrary way the formula has worked. There is no way to explain its operation save on the basis of prejudice toward immigrants from the disfavored areas. The prejudice in itself makes assimilation of the disfavored nationalities more difficult and, when enacted into law, intensifies the very minority problems it ostensibly seeks to minimize.

One consular official suggested that the present system of registration and allotment of quota numbers be discontinued and a maximum world quota with distribution among regions be established in lieu thereof. Suggested as possible quota regions were: (1) The British Isles and Dominions, exclusive of India, Ceylon, and Canada; (2) Latin countries, including France, the Iberian Peninsula, Italy, Rumania, and Greece; (3) Teutonic region, including Holland, Germany, Switzerland, and some Baltic states; (4) a Slavic region, including Russia, Poland, Hungary, and the Balkans; (5) a Middle East region, including Turkey; (6) a region including India, China, and Japan; (7) a region composed of Latin America and Canada; and (8) an African region. The criterion to be applied in the selection of immigrants from those regions should be the degree of readjustment to American life required of the immigrant as measured by the predominant cultural characteristics of his group such as language, social organization, political institutions, and religion.

On the other hand, the representative of the Common Council for American Unity, in testifying before the subcommittee, remarked that the primary aim of the national origins system was to restrict immigration and that the choice of the formula seemed perfectly proper and logical, since it gives the preference to the elements in our population that were most numerous.

The subcommittee received testimony from some groups recommending even greater restrictions against immigration from southern and eastern Europe and a 50-percent reduction in quotas. It was suggested that all immigration be suspended until veterans' and other citizens' needs in housing and employment are met.

The testimony of a demographer dealt with the question whether our immigration policy should be considered from the standpoint of

the best interests of the United States or from the standpoint of the best interests of the immigrant. He pointed out that there is presently a housing shortage, large numbers of veterans are now in school who will be seeking employment soon, and our natural resources are already being exploited at an alarming rate. Reference was made to certain surveys which showed that the American people favor decreased immigration and that their preference for immigration from the various countries is in the following order: Scandinavia, Holland, Belgium, England, France, Czechoslovakia, Poland, Greece, Russia, Germany, Spain, and Italy. It was pointed out that the United States has already lost one-third of its top soil and four-fifths of its standing timber and many of its mineral and wildlife resources are nearing depletion; thus the United States is already overpopulated and further increases through immigration are undesirable.

(2) Operation

The national origins system has been in effect for a quarter of a century now and must be reexamined in the light of the experience gained under its use, the changed conditions of the world, and the prevailing sentiments in this country with respect to immigration.

As a method for the numerical restriction of immigration, the system has served its purpose well. Under the national origins quota law, 3,076,254 quota numbers have been available to prospective quota immigrants since July 1, 1929, but only 836,085 quota immigrants have been admitted. This constitutes approximately 27 percent usage of the available quotas. A more striking comparison of the restrictive effect of the system may be found in a study made by the National Committee on Immigration Policy. The observation is made that in the 22 years since July 1, 1924, only 2,507,714 immigrants were admitted, and admissions exceeded departures by only 1,609,703. This represents an average annual net increase to our population of only 22,000. The net increase for the 22-year period is smaller than that for the last 2 years before World War I.

As a method preserving the relationship between the various elements in our white population, the national origins system has not been as effective. According to the computation pursuant to the 1924 act, the countries of northern and western Europe contributed approximately 79 percent of the population, the countries of southern and eastern Europe approximately 15 percent. Although the countries of northern and western Europe have continued to contribute the predominant number of immigrants under the quota system, the proportionate contribution of the various nationalities has departed from the ratios contemplated by the framers of the system.

In a statistical study of immigration under the national origins formula covering the years 1930 to 1944, Mrs. Helen F. Eckerson, Supervisor of the Statistical Unit in the Research and Educational Services Office of the Immigration and Naturalization Service, observed that only about half the anticipated proportion of immigrants have come from northern and western Europe, while twice the contemplated proportion have come from southern and eastern Europe. Other departures from the contemplated pattern were that Germany rather than Great Britain has been the largest contributor from northern and western Europe and that the proportionate contribution of the countries of the Western Hemisphere substantially ex-

ceeded the 5.6 percent of the population of 1920 attributed to that area.[48]

Studies of immigration from 1924 to 1946 show a similar pattern. Immigration from northern and western Europe constituted 43.1 percent of the total and immigration from southern and eastern Europe constituted 18.9 percent.

The foregoing statistical study included immigration in the period from 1924 to 1929 when the 2 percent quota was in effect. To present a truer picture of immigration under the national origins formula, the statistics have been further analyzed with reference to the period from 1929 to 1946. In that period immigration from northern and western Europe remained approximately the same at 41.6 percent of the total immigration; immigration from southern and eastern Europe, on the other hand, showed an even larger proportion of the total immigration, constituting 27.5 percent. It is obvious, therefore, that the contemplated pattern for immigration from Europe has not materialized.

Another factor which has tended to upset the national origins pattern is the large number of immigrants who have entered the United States from countries of the Western Hemisphere. From 1924 to 1946, immigration from the Western Hemisphere constituted 36.2 percent of total immigration, and from 1929 to 1946, 28 percent. It is estimated that approximately 90 percent of the immigrants who came from Canada were of northern and western European stock. Since approximately three-fifths of the nonquota immigration has come from Canada, slightly over 50 percent of the total nonquota immigration may be said to be of northern and western European stock. Accordingly, the effect of the large influx of nonquota immigrants on the composition of our population has not been material.

It can be seen from the foregoing that the distribution of immigrants among the various nationalities definitely has not followed the pattern contemplated by Congress when it adopted the national origins formula. It is difficult, however, to evaluate the effect of that disproportionate distribution on the relationship of the various elements in our white population. It would appear that the numerical restrictive feature of the formula, the economic depression and the turmoil of war, have so limited immigration that there has been no significant effect on the homogeneity of our population because of the failure of the national origins formula to channel immigration in the desired proportions.

In connection with the previous discussion of unused quotas it was noted that there is considerable agitation for a liberalization of our immigration policy so as to permit a greater use of the available quota numbers by permitting the countries with oversubscribed quotas to make use of the unused portions of the quotas of other nationalities. Stricter control has also been suggested to the subcommittee for consideration. It was stated that since the purpose of the national origins formula is to maintain the balance of the various elements in our white population, periodic adjustments should be made in the quotas on the basis of quota use by key countries. If, for example, only 50 percent of the quota of a key country is used in a given year all quotas should be reduced 50 percent the next year. An official of the Department of State pointed out that it would present a myriad of administrative detail, but that it might be feasible if the reduction were made on the

[48] Helen F. Eckerson, op. cit., p. 213.

basis of the quota usage of the second preceding year. Such a system would maintain the proportionate contribution by the various nationalities as contemplated under the national origins principle. It was pointed out that approximately 90 percent of the present quotas are allotted to northern and western Europe and it would be logical to take the quota of one of the countries from that area as the basis for the computation.

It is obvious that if the basic principle of the national origins formula is to be strictly followed, some plan for adjusting the quotas should be adopted, otherwise the proportionate contribution by the nationalities is thrown out of balance by the failure of some countries to contribute their annual allotment of immigrants. The logical nationality to select as the basis for the annual adjustment would be the one which had been the largest contributing factor in the origins of our white population of 1920, that is, Great Britain, which has the largest quota. The quotas of the other countries would have to be adjusted annually to reflect the relative use of the British quota. The subcommittee does not believe that it can recommend the adoption of the proposal. The national origins formula was a highly controversial subject at the time of its adoption and has remained so ever since, and to restrict further the limited immigration from the smaller countries of southern and eastern Europe by making their quotas dependent on the additional factor of the annual immigration from the countries of northern and western Europe would only add more fuel to the charges of discrimination. Furthermore, the proposal does not seem to be required at this time. As has been seen, while immigration has not followed the pattern contemplated under the national origins formula, it has been of such small net volume during the effectiveness of the formula that it has not adversely affected the homogeneity of our population. The adoption of the proposal would also increase the inflexibility of the system, since the total allowable quota would ultimately be reduced substantially and, once reduced, it would remain at the lower level, notwithstanding the fact that at some future date changed conditions might make it highly desirable to permit the entry of a greater number of immigrants before legislative action could be taken to restore the quota numbers.

While the subject has been treated more exhaustively elsewhere,[49] it will be worth while to note briefly the general effect of the national origins quotas on the characteristics of the immigrants who have been entering the country. One significant change noted in the immigrants who have entered the country since 1930 is that the number of females now outnumbers the males. Studies of the subject indicate that prior to 1930 the number of male immigrants exceeded the number of females, there being 186 males for every 100 females in the period from 1899 to 1930. In 1930, the balance shifted in favor of females in the ratio of 94 males for every 100 females, and in 1945, there were only 54 males for every 100 females. Coincident with the shift to a predominance of female immigrants there has been an increase in the older age group and in the number of children. This shift in the type of immigrant has naturally resulted in a much higher percentage of immigrants reporting no occupation. These changes have been attributed to the fact that large numbers of immigrants have availed to themselves the nonquota provisions since the imposition of quotas.

[49] See ch. II, pt. I.

As may be expected, the studies indicate that as the complexion of the immigrants changed from male to female and to an increase in the number of children and persons in older age groups, there has been an accompanying decline in the number of unskilled workers and farmers. Prior to the imposition of quota restrictions more than 50 percent of the immigrants were unskilled laborers or farm laborers, with the areas of southern and eastern Europe as the largest contributors. With the sharp curtailment of immigration from those areas, the proportion of unskilled immigrants has declined rapidly. From 1940 to 1944, farm laborers constituted only 1 percent of immigration and common laborers only 5.6 percent. Another study shows that common laborers declined from 1,025,230 in the period from 1911 to 1920, to 19,059 from 1931 to 1940, and that farm workers declined from 1,065,823 to 6,429 in the same periods.[50]

(3) Conclusion

Today, as at the time of its adoption, the most common criticism of the national origin system is the allegation that it is discriminatory in the treatment of certain nationalities of Europe. The sentiment for restriction of immigration which originally motivated the establishment of quotas still prevails, and the attack on the present policy is centered on the method by which the quota immigrants are selected under the national origins system. Yet, most of those who assail the system as discriminatory seem forced to admit that it is desirable to select the immigrants within numerical limitations on some basis which recognizes the need for preserving the balance of the various elements of our population. The question presented by the critics of the formula, therefore, is not so much who should be admitted, but how many should be admitted. Thus, the agitation is for the admission of more immigrants within the limits of the over-all restriction on the annual number of immigrants permitted to enter, while at the same time preserving some relationship between the contribution of the various nationalities and the present composition of our population. This proposition relates back to the allegation of discrimination, namely, that the national origins formula fixes a set quota for each nationality, and regardless of whether the quota is used by the particular nationality, there is no means of making the quota numbers available to other aliens who desire to come to this country.

It is true that the formula resulted in smaller quotas for some nationalities than for others, but this resulted from the proportions in which aliens had previously entered the country. It may be true, as is alleged, that the quota laws were directed primarily at the restriction of immigration from southern and eastern European areas. That was, however, the area from which the greatest numbers were coming, thereby giving rise to the clamor for restriction. Some formula had to evolve for the allocation of the quotas to all countries and the principle of making the allocation on the basis of the proportionate contribution of the various nationalities to our population offered both a logical and easily administered plan.

The national origins formula has, therefore, provided a fixed and easily determinable method for controlling immigration which is not subject to the whims and caprice of administrative interpretation.

[50] Gertrude D. Krichefsky, Relation of the Quota Law to General Characteristics of Immigrants, Immigration and Naturalization Service, Monthly Review, February 1946, p. 265; Foreign Policy Reports, April 1947, p. 17.

The formula is automatically resistant to pressures for special treatment. In that respect, the formula may be considered highly desirable were it not for the fact that this virtue has tended to render the system inflexible. The result has been that the interest of the immigrants who obtain quota numbers has assumed a role of increased importance under the functioning of the system, while the consideration of the benefits accruing to the United States has been neglected. It is appropriate, therefore, to consider the various suggestions which have been made to determine whether more emphasis should be placed upon the individual qualifications of the immigrants.

c. A selective system

The subcommittee has heard the testimony of many witnesses urging the modification of the present quota system. In addition, suggestions were received from consular officials and field officers of the Immigration and Naturalization Service both of whom are in a position to observe the functioning of the system at the operational level. The subcommittee has also had access to the wealth of material which has been written on the subject. One fact stands out clearly. That is, that there is a general feeling by those who have made special study of the system that some principle of selectivity should be incorporated in the system which will place more emphasis on the characteristics of the individual immigrant, and that more emphasis should be placed upon the interests and needs of the United States in determining who among the applicants for admission should be admitted. As can be expected, however, there is a wide divergence of views as to how this objective should be accomplished. These views range from a complete abolition of the national origins principle and the substitution of a completely selective system, to the inclusion of selectivity to a slight degree within the principle of national origins.

A report of a select committee of the House of Representatives to investigate and study immigration and naturalization laws and problems suggested that selectivity of the immigration laws be increased, since the present system bears no relation to the current needs for selected types of immigrants and that a commission could determine those needs as they developed and prescribe standards for selection. As an alternative to the selection by a commission it was suggested that broader selective powers be given to consuls.[51]

Mr. Edward Corsi, New York State industrial commissioner and a former Commissioner of Immigration, urged the establishment of a flexible immigration policy which would take into consideration social and economic needs without discrimination as to race, nationality, color, sex, or religion. He advocated abolishing the national origins system and placing immigration on a purely selective basis. He contended that the administration of the immigration laws should be returned to the Labor Department and that the Secretary of Labor should annually determine the type and number of people needed in this country; it would then be for the Congress to decide the number to be admitted regardless of nationality.

An official of the Department of State stated that a selective system is theoretically desirable but that there is considerable doubt whether its adoption would be practicable at this time. It was pointed out that the chief difficulty would be the proper exercise of

[51] H. Rept. 1312, 79th Cong.

personal judgment, that it would be difficult to obtain uniformity in the application of any standards specified by the Congress governing the selection of the aliens to be admitted.

The suggestions received from consular officials were generally in support of a more selective system of immigration. One consular officer observed that our present laws are outdated and inadequate to meet present needs and that drastic changes in the present laws should be made. It was asserted that selection by country of birth is gradually losing its significance, since there are continuous migrations from one part of the world to another, and that a selective system would probably eliminate the waiting lists under the oversubscribed quotas, thereby easing the administrative burden of the consular staffs and affording more humane treatment for the applicant who would then know whether he could qualify under the selective standards and make his adjustments accordingly.

One consular official suggested that a point system be established under which prescribed desirable characteristics of immigrants would be assigned certain values and a minimum score would be fixed by some appropriate agency to qualify the applicant for admission.

It was recommended by another consular officer that immigration under a quota limitation should be placed on a selective basis with less emphasis on relationship with aliens in the United States and more on the potential usefulness of the immigrant. He suggested that consular officers be empowered to take into consideration any available information concerning the general conditions in the United States in passing upon applications and be permitted to issue visas to applicants of the most benefit to the United States regardless of priority. The exercise of that discretion would be based on a policy laid down by Congress and set forth in regulations of the Department of State.

Another suggestion was that in countries where quotas are oversubscribed, persons who are outstanding engineers, architects, lawyers, physicians, surgeons, dentists, editors, writers, artists, sculptors, painters, manufacturers, bankers, decorators, accountants, chemists, musicians, and technicians should be accorded preferential treatment.

The consensus of the suggestions submitted by field officers of the Immigration and Naturalization Service was that the immigration laws should be amended to include a basis of selectivity to make it possible to accord preferential treatment to aliens who would be of the most value to the United States. Several officers pointed out that while the fourth proviso to section 3 of the 1917 act permits a waiver of the contract labor provisions of the law to permit the importation of skilled labor, the lack of preferences for certain types of immigrants negates the provision. The suggestion was made that under a selective system the application for admission should be made by a sponsor or prospective employer and that the selected immigrant's admission should be conditioned upon his following a particular calling for a specified period of time.

A consular official observed that labor has always been most vitally affected by the influx of aliens, and it was suggested that national labor indices are the best guide to annual quotas. The administrative body in applying the standards would be bound by the advice of cultural and sociological experts who in turn would be bound by a legal standard to maintain the cultural and sociological balance prevailing in

the United States. It was believed that the application of this principle would prevent the subordination of the national interest to the interest of any particular political, religious, racial, or other social group.

One proposal for the injection of a greater degree of selectivity into the immigration laws is the Herter bill which originally was introduced in the House of Representatives on April 29, 1947.[52] A new version of the Herter bill was introduced in the House of Representatives on January 6, 1949,[53] and a companion bill in the Senate on February 17, 1949.[54]

The new Herter bill would make the first 10 percent of the quota of each nationality available to qualified quota immigrants whose admission is deemed by the Secretary of State to be desirable in connection with the security of the United States and to aliens whose services are urgently needed by commercial, industrial, financial, and educational institutions, firms, or governmental agencies because of highly skilled, technical, or scientific education, training, experience, or ability.

The remainder of the bill provides for the rearranging of the other preference classes. The next 50 percent of each quota is made available to parents and husbands of United States citizens, and the next 30 percent to wives and children under 21 years of age of alien permanent residents. The next 10 percent is made available to brothers, sisters, unmarried children over 21 years of age, orphan nephews, or nieces under 21 years of age of citizens who are able and willing to support them. The remaining 10 percent is made available to nonpreference applicants.

The testimony of the officials of the Immigration and Naturalization Service with respect to principle of the Herter bill was favorable. One official endorsed the principle in the following words:

> There is another bill, frequently referred to as the Herter bill, which we think is excellent. From the beginning of time, almost, in our immigration legislative history, we find a sad lack of the principle of selectivity in the immigration law. In other words, up until now, and as of the present the individual almost exclusively picks the country. The country does practically nothing in picking the individual.

The same official stated that in many cases industrial expansion would be facilitated if desirable specialists could be obtained from oversubscribed countries. Yet, under the present system there is no way in which the desired immigrant may be granted a priority on the basis of need by this country.

Similar expressions of support for the principle of selectivity were voiced by other officials of the Immigration and Naturalization Service, as well as of the Department of State, although there were variations of opinion on the exact allocation of preferences.

Some of the witnesses who appeared before the subcommittee expressed opposition to the principle of the Herter bill. One witness expressed the opinion that the selective system as provided in the bill is unworkable and would not be capable of administration. A strong advocate of the national origins formula expressed the view that any system of selectivity which adopts the theory that certain races are particularly expert in designated trades would be highly detrimental.

[52] H. R. 3255, 80th Cong.
[53] H. R. 946, 81st Cong.
[54] S. 967, 81st Cong.

While favoring imposition of a rigid selective system on top of the national origins quotas, he was of the opinion that any selective system would be subject to such outside pressures in its administration that it would not work. The view was also expressed that the 10-percent preference for aliens whose services would be in the national interest is not very meaningful and that consideration should be given to granting nonquota status to aliens whose admission would be of a definite benefit to this country.

On February 24, 1949, Representative Francis E. Walter introduced H. R. 3001 which he described in his remarks [55] as "a bill which properly could be described as our first attempt to provide for selective immigration." He stated that its purpose is to permit the admission of 3,200 highly skilled aliens annually without regard to quotas if their admission can be proved beneficial to the country. H. R. 3001 was reported favorably with amendments by the House Committee on the Judiciary on August 22, 1949 and passed the House on February 2, 1950.[56] The bill provides for the admission of not more than 3,200 eligible foreign specialists in any fiscal year as nonimmigrants, plus their spouses and unmarried children under 21 years of age. The necessity for importation of such aliens is to be made on the basis of a determination by a special board that certain skilled or trained persons are needed by private institutions or firms, or Government agencies.

While the Department of State and the Department of Justice expressed approval of the general purpose of the bill, both Departments stated the proposal should be placed within the framework of existing immigration laws. The Department of Justice expressed opposition to the establishment of a separate agency to determine the necessity for the importation of aliens and contended that the power of determination should be vested in the Attorney General who, under the law, is charged with the enforcement of the immigration laws.

Selectivity, to a certain extent, was incorporated in the Displaced Persons Act of 1948,[57] which provided for preferences to displaced persons on an occupational basis. A 30 percent exclusive preference is granted to persons engaged in agricultural pursuits and their families, with preferences in the issuance of the remaining visas for eligible displaced persons who are household, construction, clothing, and garment workers and other workers needed in the locality in which they propose to live; eligible displaced persons who possess special educational, scientific, technological, or professional qualifications; and certain relatives of citizens and lawful residents of the United States.

The foregoing summation demonstrates quite clearly the sentiment for the incorporation of some degree of selectivity in our immigration laws. The question, however, is what degree of selectivity would best serve the interests of this country. The subcommittee is of the opinion that there is a definite need for the selection of prospective immigrants, within the limits of the quota system, whose admission will benefit the interests of the United States.

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[55] Congressional Record, Feb. 24, 1949, p. 1527.
[56] H. Rept. 1294, 81st Cong.
[57] Public Law 774, 80th Cong (62 Stat. 1009).

6. RACIAL BARRIERS UNDER THE QUOTA SYSTEM

Under the present immigration laws, certain races are barred from admission as immigrants. The 1917 act establishes a so-called barred zone, natives of which (except white persons) are inadmissible as permanent residents. Members of certain races are also ineligible to become citizens of the United States [58] and aliens ineligible to citizenship are specifically denied the privilege of entering the United States except in a nonquota or nonimmigrant status.[59] Asiatics generally are excluded from admission into this country as immigrants, with the exception of Chinese, Filipinos, and persons of races indigenous to India. This presents a problem which has been the subject of much discussion, and considerable sentiment has developed for the elimination of all racial barriers.

The reaction against the patent discriminations in the immigration and nationality laws against certain races of the world culminated in the passage of the Judd bill (H. R. 199) by the House of Representatives on March 1, 1949. The bill has been referred to this subcommittee.

The broad purpose of the Judd bill is to allow naturalization of all immigrants having a legal right to permanent residence and, in general, to make immigration quotas available to Asian and Pacific peoples in accordance with the national origins formula. The House Committee on the Judiciary expressed the opinion in its report that the maximum number of immigrants admissible would be in keeping with the principle of the national origins principle under the 1924 act.[60]

The Judd bill would remove the racial bars to citizenship, repeal the "barred zone" provisions of the 1917 act, and make quotas available to natives of those areas. The bill substitutes the term "quota area" for the term "nationality." The list of quota areas from which immigration will be possible by persons of ancestry indigenous to those areas will be identical to the present nationality quotas except for the addition of a special Asia-Pacific quota of 100. The bill contains specific restrictions, however, with respect to the annual quotas to which aliens of races indigenous to the Asia-Pacific area are chargeable. The bill establishes an Asia-Pacific triangle which comprises all the quota areas and all colonies and other dependent areas situated wholly within the triangle bounded by the meridians 60° east and 165° west longitude and by the parallel 25° south latitude. In addition to the separate quotas for the quota areas comprising independent countries, self-governing dominions, and territories under the international trusteeship system of the United Nations situated within the triangle, a separate quota of 100 for the triangle is established. An alien who is attributable by as much as one-half of his ancestry to a people or peoples indigenous to the Asia-Pacific triangle would be chargeable to a specific quota of a quota area within the triangle or, if not so attributable, then the alien would be chargeable to the Asia-Pacific quota. This provision is applicable to such aliens wherever born, as is now the case with respect to aliens under the Chinese and Indian quotas. Filipinos would be chargeable to the annual Philippine quota, wherever born. The bill also limits to 100 a year

[58] Sec. 303 of the Nationality Act of 1940 (54 Stat. 1137).
[59] Sec. 13 (c) of the 1924 act (43 Stat. 153).
[60] H. Rept. 65, 81st Cong.

the number of immigrants born in a colony or other dependent area of a quota country who may be chargeable to the quota of the mother country.

The bill also provides for a change in the method of computing the national origins quota of each nationality as contained in section 11 of the 1924 act. Under the present formula, the annual quota of each nationality is determined by multiplying the number of inhabitants of that nationality in this country in 1920 by 0.001675854857. Under the proposal, the annual quota of any quota area would be derived by multiplying the number of inhabitants in 1920 in this country from the quota area by one-sixth of 1 percent. It is estimated that this simplified formula would result in a reduction of approximately 635 in the total of all quotas.

The bill continues the principle, now applicable to the Chinese and Indian quotas, of granting a preference of 75 percent of the annual quotas of quota areas and of the Asia-Pacific quota to persons born and residing within the Asia-Pacific triangle. The bill also provides that the nonquota status for wives, children, and husbands of American citizens shall only extend to immigrants otherwise chargeable to an annual quota of 200 or more. To compensate for this restriction on the nonquota immigrant class, such wives, children, and husbands are granted a first-preference status under the annual quota.

The subcommittee does not attempt to make an over-all appraisal of the Judd bill at this point, since the principles included in the bill are considered in conjunction with the consideration of each of the aspects of the quota system.

7. CONCLUSIONS AND RECOMMENDATIONS

The investigations conducted by the subcommittee developed the fact that the national origins formula has not fully accomplished the original design of the Congress to (1) restrict drastically annual immigration numerically; and (2) direct the flow of immigration in such manner as to maintain the balance among the various elements in our population as of 1920. The present quota law has accomplished its first objective, since immigration has been substantially less than what it was prior to the imposition of quotas. Only about 27 percent of the available annual quotas have been used and the total of quota and nonquota immigrants has been equal to only slightly over 75 percent of the available quota numbers. On the other hand, the flow of immigrants has not followed the pattern contemplated by the national origins formula, since the countries of northern and western Europe have used a much smaller percentage of their quotas, than the countries of southern and eastern Europe. This disproportion has apparently not had any significant effect on the ethnological composition of our population, because total immigration has been kept down.

It has been suggested that the national origins formula has not as yet had a fair test since during the period of its existence there have been abnormal factors such as the economic depression and World War II. Although such factors disrupt immigration, it is doubtful if there will ever be a period free of unforeseen factors which vitally affect migrations, and the subcommittee must evaluate the quota system on the basis of the experience gained to date.

The subcommittee is cognizant of the facts existing at the time of the adoption of the national origins formula and the bitter charges of discrimination hurled at the incorporation of the principle in our immigration laws. The formula is still subjected to such charges but they seem to have lost some of their force over the intervening period of years. Experience has demonstrated that the national origins formula has been more of a numerically restrictive measure than a means of automatically selecting immigrants from the various nationalities in desired proportions.

Without giving credence to any theory of Nordic superiority, the subcommittee believes that the adoption of the national origins formula was a rational and logical method of numerically restricting immigration in such a manner as to best preserve the sociological and cultural balance in the population of the United States. There is no doubt that it favored the peoples of the countries of northern and western Europe over those of southern and eastern Europe, but the subcommittee holds that the peoples who had made the greatest contribution to the development of this country were fully justified in determining that the country was no longer a field for further colonization, and henceforth, further immigration would not only be restricted but directed to admit immigrants considered to be more readily assimilable because of the similarity of their cultural background to those of the principal components of our population.

Many of the considerations which lay behind the passage of the national origins quota law have now become of little significance. The fact remains, however, that the national origins system has established a rigid formula for allocating the over-all number of quotas determined by Congress to be the maximum number to be admitted annually. Quotas thus established by law are definite and automatically resist the pressures of special groups. It is the rigidity of the formula, however, which also causes much concern, since it eliminates the selection of the immigrants on the basis of their potential worth to the United States.

The problem of the determination of the correct general policy to follow with respect to immigration revolves primarily around the conflict of opinion between the restrictionists and the nonrestrictionists. The degree of difference of opinion in the approach to the immigration question by those two general groups has been summed up as follows: [61]

> The most contrary claims are made concerning the effects of immigration. According to one view the migrants have possessed high qualities of initiative and enterprise, and have greatly accelerated the intellectual and material development of the United States. According to the opposite view the migrants have been from the lowest ranks of European society, have depressed the wage level and standard of living in the United States, and have introduced inharmonious racial stocks and alien ideologies. The restrictionist attack on immigration has typically been in terms of the allegedly dire consequences of unrestricted immigration, including the flocking of alien paupers to the United States, the filling of public institutions with defectives of foreign origin, the coming of large numbers of criminals and radicals, the displacement of natives by foreign laborers, and the undermining of our political institutions. A similar alarmist technique has been used more recently in pointing out the alleged ill effects of the present restriction of immigration, including the retardation of industrial growth, the stimulation of undue wage increases, the genesis and prolongation of world-wide depression, and

[61] E. P. Hutchinson, Current Problems of Immigration Policy No. 430 in National Economic Problems Series.

a weakening of the Nation's labor force and population at a time of declining birth rates at home and increasing perils abroad.

It has been against such a background of conflicting views that the subcommittee has heard espoused and has considered various alternative methods for controlling immigration. The nub of a great many of the suggestions made for alternative systems is that the immigration question should be approached on the basis of the characteristics of the individual seeking to enter the country rather than on the basis of groups of aliens as is the case under the national origins system. Some suggestions contemplate the abolition of the national origins system and the substitution of a system based on the selection of immigrants under a set of standards related to the aptitude of each individual immigrant. Other suggestions contemplate the establishment of occupational groups whose admission, regardless of nationality, would be in the interest of this country. These suggestions involve the substitution of an exclusively selective system for the present fixed quotas based on national origin.

The principal objection to exclusive selectivity is the difficulty in establishing a set of standards to govern the selection of the immigrants on a uniform basis. No acceptable standards have been suggested and the subcommittee has been unable to arrive at any satisfactory standards which would permit immigration on a purely selective basis, while at the same time preserving the sociological and cultural balance in our population. The subcommittee is also aware of the fact that a purely selective system must involve the exercise of administrative discretion which would present a real problem of who would select the selectors. It might be possible to write legal standards so rigid that abuses in the selective process could be avoided and pressures to favor particular groups resisted, but such a system would not allow necessary flexibility to meet changing conditions.

While a system of exclusive selectivity would perhaps improve the quality of the immigrants, it can readily be seen that the system also contemplates a fuller utilization of the over-all quota. The proponents of such a system are apparently concerned not only with the question of improving the quality of the immigrants but with the question of how many immigrants should be admitted. Since the excessive demand is presently from the low-quota countries and presumably a selective system would find more worthy immigrants from the areas of greater demand, the possible disruption of the balance of the various elements of our population would become even more pronounced.

The subcommittee does, however, believe that there is a need for the inclusion, to a certain extent, of the principle of selectivity in our present system. Under our present system the immigrant selects this country rather than this country selecting the immigrant. The alien, if he can meet the qualifications set forth in the 1924 act and is not excluded by the provisions of section 3 of the 1917 act or any other law, may enter the United States on the basis of the priority of his application if a quota number is available. The system of preferences based on family relationship, with the exception of skilled agriculturists, makes it extremely difficult where quotas are oversubscribed, to facilitate the admission of aliens whose entry would be particularly beneficial to the United States, even under the present law, which makes a slight degree of selectivity possible. The subcommittee

believes that some positive provision should be included in the law to facilitate the entry, within present quota restrictions, of certain aliens whose admission is determined to be in the national interest.

The subcommittee, therefore, recommends that the immigration laws be amended to provide a means of selecting immigrants for admission whose skills and services are urgently needed in the United States. It is recommended that not more than 30 percent of the quota of each nationality be made available for the issuance of visas to immigrants, including their spouses and minor children, who are otherwise admissible and whose services are determined by the Commissioner of Immigration and Naturalization after consultation with appropriate agencies of the Government, and after investigation of the facts, to be urgently needed in the United States and to be substantially beneficial prospectively to the national economy, cultural interests, or welfare of the United States; and that the admission of any such immigrant be conditioned upon the approval by the Commissioner of a petition to import each such immigrant by an individual institution, firm, corporation, or governmental agency.

The subcommittee recommends that the preference classes for the allocation of each quota be rearranged as follows: (1) A 30-percent first-preference class for aliens, including their spouses and minor children, whose services are urgently needed in the United States; (2) a 50-percent second-preference for parents of citizens of the United States (husbands are omitted in view of the recommendation to grant them nonquota status and the inclusion of skilled agriculturists is no longer necessary in view of the new preference class); and (3) a 20-percent third-preference for spouses and unmarried children under 21 years of age of alien residents. The remainder of each quota, not to exceed 10-percent, not used by the preference classes shall be made available to the nonpreference classes, subject to the proviso that not over 50 percent of such remainder, if any, shall be made available for the issuance of visas to brothers and sisters of American citizens. The subcommittee believes that the allotment of the quotas on this basis will provide for a more equitable distribution of quota numbers and will accrue to the benefit of this country.

The subcommittee recognizes that the foregoing recommendations involve the injection of only a relative degree of selectivity into our present quota system. If experience under the proposal demonstrates that a broader program of selectivity is justified, it will be only a matter of changing the allocations to the various quota classes. On the basis of the evidence before it, the subcommittee does not recommend a greater degree of selectivity. Until it has been conclusively demonstrated that an exclusively selective system is capable of being administered in such a manner as to preserve the sociological and cultural balance in our population, the subcommittee believes that we must retain our national origins quota system with selectivity superimposed to the extent recommended.

In addition, it is recommended that the quota provisions of the present law be changed to remove racial barriers to immigration.

The subcommittee further recommends that a mechanically simplified quota formula be adopted which will provide that the quota for each quota area will be one-sixth of 1 percent of the number of inhabitants in the continental United States in 1920 attributable by national origin to that quota area; and that the number of inhabitants in the

United States in 1920 attributable to a particular quota area shall be the same number which was previously determined in the establishment of quotas pursuant to section 11 of the 1924 act. A recomputation of the quotas as the basis of the simplified formula will result in a general reduction of the present quota numbers available by 635.[62]

The subcommittee also recommends that certain changes and additions be made in section 12 of the 1924 act relating to the determination of nationality for the purpose of charging an alien to the annual quota of a particular quota area. The list of the quota areas will be identical with the areas for which quotas are established under the present law, except for the addition of a special quota of 100 for an Asia-Pacific triangle comprised of all quota areas and all colonies and other dependent areas situated wholly within the triangle bounded by the meridians 60° E. and 165° W. longitude and by the parallel 25° S. latitude. An alien immigrating to the United States who is attributable by as much as one-half of his ancestry to a people or peoples indigenous to the Asia-Pacific triangle, regardless of place of birth, shall be charged either to the appropriate quota of a quota area within the triangle or to the separate quota for the triangle. Aliens of a race indigenous to an Asian or Pacific colony of a foreign power will be charged to the special Asia-Pacific quota, as will aliens of mixed Asian descent who were born outside the triangle. A priority of up to 75 percent should be provided for aliens chargeable to quota areas within the triangle who were born and reside therein.

While the foregoing change would make quotas available to inhabitants of Asia and certain areas of the Pacific who have heretofore been barred, the total of the immigrants of Asian-Pacific ancestry who would be admissible from the whole world would be the sum of all the quotas within the Asia-Pacific triangle, or 1,490. Included in that number are the present quotas of India, the Philippines, China, and Afghanistan, totaling 405, which at present may be used by races indigenous to these areas. The subcommittee recommends that not more than 100 immigrants from the colonies or other dependent areas of mother countries who are not chargeable to the Asia-Pacific quota, may be charged to the quota of the mother country annually. An over-all limit of 5,000 on the sum total of the available minimum quotas should be established. Thus, if the number of quota areas entitled to a minimum quota of 100 rises above 50 there shall be a proportionate decrease in each minimum quota in order that the sum total shall not exceed 5,000.

C. Nonquota Immigrants

1. INTRODUCTION

While the chief means of controlling immigration to the United States is through quotas, the controls under that system are not complete. Certain groups of aliens who desire to enter this country for temporary periods are classified as nonimmigrants and are, therefore, outside the quota controls. That group is treated in detail later in this chapter.[63] Of more significance are aliens permitted to enter for

[62] The quota for each quota area as computed under the simplified formula and the quota as computed under the present law appear in appendix XII, table 10, p. 893.

[63] See p. 510.

permanent residence who are not subject to the numerical restrictions of the quotas. Under the immigration laws, the exempt classes which may enter as nonquota immigrants include wives, children, and husbands of American citizens; alien residents returning from temporary trips abroad; immigrants from Western Hemisphere countries; ministers and professors, and their wives and unmarried children; and women expatriated by reason of marriage to aliens, the loss of citizenship by their husbands, or by marriage to aliens and residence in a foreign country. In addition to the foregoing classes of immigrants, which are specifically defined as nonquota, certain former citizens who lost their citizenship by serving in foreign armed forces are not subject to quota restrictions when entering for the purpose of regaining citizenship, and certain Filipinos may enter as nonquota immigrants under the Philippine Trade Act of 1946.[64] Other immigrants not chargeable to any quota include certain Spanish subjects returning to Puerto Rico, immigrants born in Puerto Rico, the Virgin Islands, Guam, and American Samoa, and certain children born after the issuance of an immigration visa to an accompanying parent or during the parent's visit abroad.

While the foreign student is classified by statute as a nonquota immigrant, his admission is for a temporary period only, and he is in reality a nonimmigrant. The foreign student has, therefore, been made the subject of a special study, and while included in this section, will be considered apart from the other nonquota classes.

The principal statutory provisions relating to nonquota immigrants are in section 4 of the Immigration Act of 1924, as amended, which defines nonquota immigrants as including six definite classes of aliens.[65] Section 4, with some special laws permitting other groups of aliens to enter the United States outside of quotas, constitute the body of law creating eligibility for admission of an immigrant into this country under a nonquota status.

2. STATISTICS

Since the exemption of the nonquota clauses of immigrants from quota controls constitutes an exception to the basic restrictions of our immigration laws, an examination of the available data on the extent aliens have availed themselves of the use of the exemption to enter the United States for permanent residence is necessary in order to arrive at an appraisal of the effect of this free immigration upon our over-all system of immigration controls.

It is significant that the total volume of nonquota immigration since the imposition of the quota restrictions under the Immigration Act of 1924 has been almost equal to the volume of quota immigration. From June 30, 1925, to 1948 a total of 1,403,915 aliens have been admitted as nonquota immigrants, as compared with 1,484,661 aliens admitted under the quotas. The numbers of quota and nonquota immigrants from year to year since 1924 have been usually about equal. The greatest disparities occurred from 1939 to 1941 when quota immigration greatly exceeded nonquota immigration, due in part to the influx of refugees fleeing Nazi Germany, and from 1943 to 1946 when nonquota immigration far exceeded quota immigration,

[64] 60 Stat. 141.
[65] 43 Stat. 153; 8 U. S. C. 204.

since immigration from Europe was practically cut off during the war, and in 1945 and 1946 large numbers of wives and children of servicemen entered as nonquota immigrants under the GI Brides Act.[66] During the fiscal year 1948, there were 92,526 quota and 78,044 nonquota immigrants, the first time quota immigration had exceeded nonquota since 1942.[67]

From 1925 to 1948 nonquota immigration from quota countries totaled 388,818 and quota immigration, 1,484,661. Nonquota immigration comprised only approximately one-fifth of the total immigration from the quota countries. A much larger number of nonquota immigrants come from southern and eastern Europe than from northern and western Europe. A total of 247,918 nonquota immigrants (43.8 percent of the total immigration) were admitted from southern and eastern Europe, and only 102,359 nonquota immigrants (8.2 percent of the total) from northern and western Europe.[68] One explanation advanced for this phenomenon is that immigrants from northern and western Europe generally came in family groups, while, generally, the male wage earner came first from southern and eastern European countries, leaving the family to come later. It has been estimated that 80 out of every 100 nonquota immigrants admitted to the United States from quota countries were wives, husbands, or children of American citizens.[69]

The two chief classes of nonquota immigrants are (1) wives, husbands, and children of American citizens and (2) natives of Western Hemisphere countries, who constituted 96.2 percent of the total, during the fiscal years 1925 to 1948. Immigrants from the nonquota countries and their wives and children constituted 71.3 percent of the total nonquota immigration. The largest number of immigrants from the nonquota countries have come from Canada and Mexico, with 577,673 and 312,626, respectively. Canadian has exceeded Mexican immigration every year except in the year 1928, which with 1927, was the peak year of Mexican immigration.[70]

The composition of the nonquota group from 1925 to 1948 is given in the following table:

Nonquota immigration by class of admission, years ended June 30, 1925, to 1948

Class of admission	Nonquota immigrants	
	Number	Percent
All classes	1,403,915	100.0
Wives of United States citizens	231,299	16.5
Husbands of United States citizens	12,788	.9
Children of United States citizens	105,607	7.5
Natives of nonquota countries	993,635	70.8
Their wives and children	7,029	.5
Ministers of religious denominations	8,304	.6
Their wives and children	8,714	.6
Professors of institutions of higher learning	2,869	.2
Their wives and children	2,179	.2
Women who had been United States citizens	1,935	.1
Other nonquota classes	29,436	2.1

[66] The number of quota and nonquota immigrants from 1925 to 1949 appears in appendix XII, table 3, p. 889.
[67] Helen F. Eckerson, Nonquota Immigration, Fiscal Years 1925-1944, Immigration and Naturalization Service, Monthly Review, August 1945, p. 185.
[68] For the number of nonquota immigrants admitted from quota countries, see appendix XII, table 11, p. 894.
[69] Helen F. Eckerson, op. cit., p. 187.
[70] See appendix IV, table 8B, p. 821.

The division of the nonquota immigrants by classes for the fiscal years 1946 to 1948 shows that the largest group came from nonquota countries during 1947 and 1948, while the postwar admission of women under the GI Brides Act made nonquota relatives of American citizens the largest class in 1946.

The number of ministers admitted rose from 248 in 1946 to 782 in 1948, and the number of professors from 61 to 505.[71] A larger number of these two professional classes have come from countries with smaller quotas.[72]

Statistics on the nonquota classes do not generally give the numbers of returning aliens, temporarily absent from the country, who are embraced as nonquota immigrants under section 4 (b) of the 1924 act. The Immigration and Naturalization Service tabulates statistics on returning aliens, who have been counted once as immigrants, with the nonimmigrant classes. For the fiscal years 1946, 1947, and 1948 there were 13,306, 22,818, and 32,464 returning aliens of the nonquota class, respectively.

The GI Brides Act provided for expediting the admission on a nonquota basis of wives, husbands, and children of citizen members of the armed forces. From April 1946, when the first wives, husbands, and children arrived, to June 30, 1949, the following numbers were admitted: [73]

Year ended June 30	Total	Husbands	Wives	Alien children
Total	117,999	327	113,135	4,537
1949	22,214	71	20,670	1,473
1948	23,016	94	21,954	968
1947	27,212	101	25,736	1,375
1946	45,557	61	44,775	721

3. NONQUOTA CLASSIFICATION BASED ON RELATIONSHIP TO CITIZENS

a. Applicable law and regulations

Under section 4 (a) of the Immigration Act of 1924, the unmarried child under 21 years of age, wife, or husband of a citizen are designated as nonquota immigrants if the marriage occurred prior to the issuance of the immigration visa, and, in the case of husbands, prior to January 1, 1948.[74]

While the bars against Chinese immigration were removed by the repeal of the Chinese Exclusion Acts in 1943, Chinese wives of American citizens, other than those married prior to May 26, 1924, were not granted the status of nonquota immigrants under section 4 (a) until the act of August 9, 1946,[75] exempted them from the quota restrictions. Under section 2 of the act of December 17, 1943, alien Chinese children and husbands of American citizens are still subject to quota restrictions. While natives of India and persons of races indigenous to India are not barred as immigrants because of racial ineligibility to citizenship, alien wives, husbands, and children who

[71] Details on classes admitted from 1946 to 1948 are given in appendix XII, table 12, p. 894.
[72] A break-down by countries by classes for 1949 is given in appendix XII, table 13, p. 895.
[73] The act expired December 28, 1948.
[74] 62 Stat. 241; 8 U. S. C. supp. II, 204 (a).
[75] 60 Stat. 975; 8 U. S. C. 212a, 213c.

are natives of India or who are persons of races indigenous to India, are excluded from the nonquota classification under section 4 of the act of July 2, 1946,[76] even though they may be wives, husbands, or children of American citizens.

The GI Brides Act waived the provisions regarding exclusion of physically and mentally defective aliens and certain documentary requirements of the immigration laws, and all such alien spouses and children were deemed nonquota immigrants under section 4 (a). That act was applicable only if application for admission was made within 3 years of December 28, 1945, and its effectiveness has expired.

As a condition precedent to the issuance of an immigration visa by a consular officer to a nonquota immigrant who claims that status by reason of relationship to an American citizen, authorization must be obtained under the petition procedure established by section 9 of the act of 1924.[77] A citizen of the United States who claims that an alien is his relative and admissible as a nonquota immigrant may file a petition, under oath, with the Commissioner of Immigration and Naturalization setting forth (1) the petitioner's name and address; (2) the date and place of the petitioner's birth or the date and place of his admission to citizenship and the number of his certificate, if a naturalized citizen; (3) the name and address of his employer or the address of his place of business; (4) the degree of his relationship to the immigrant and the names of all the petitioner's places of residence prior to the time when the petition is filed; (5) that the petitioner is able to and will support the immigrant if necessary to prevent him from becoming a public charge; and (6) such additional information as may be prescribed by regulation. This is the same procedure presently applicable to the issuance of visas to the first-preference quota class.

The petition must be accompanied by the statements of two or more responsible citizens who have known the petitioner for at least 1 year, attesting to the veracity of his statements, and to his responsibility and his ability to support the immigrant. If the Commissioner of Immigration and Naturalization finds the facts stated in the petition to be true, he so informs the Secretary of State, who authorizes the appropriate consular officer to issue the immigration visa. Nothing in the petition procedure entitles the immigrant to enter the United States if, upon arrival, he is found not to be a nonquota immigrant.

The terms "child," "wife," and "husband," as defined in section 28 of the act,[78] do not include an adopted child unless the adoption occurred before January 1, 1924, or a wife or husband by reason of a picture or proxy marriage.

The regulations of the Department of State supplementing the law provide that a consular officer shall not issue a nonquota immigration visa on the basis of the petition of an American-citizen relative until the petition has been approved by the Department of Justice and until the applicant establishes that he is not subject to exclusion under the immigration laws. A petition may be filed for nonquota status for an alien illegitimate child by the citizen mother or by the citizen father if he has subsequently married the mother and thereby conferred rights of legitimacy under the law of his domicile.[79]

[76] 60 Stat. 416; 8 U. S. C. 212b.
[77] 8 U. S. C. 209.
[78] 8 U. S. C. 224 (l) and (m).
[79] 22 CFR 61.208-209.

The regulations of the Immigration and Naturalization Service supplementing the law require that the American citizen present certain additional information in connection with a petition for the admission of a relative as a nonquota immigrant. Where the petitioner alleges citizenship by birth, he must submit a birth certificate or other documentary evidence showing birth in the United States. Where he alleges citizenship by naturalization prior to September 27, 1906, or within 90 days preceding the filing of the petition, a certificate of naturalization must be filed with the petition. When a woman petitioner alleges citizenship through the naturalization of her husband prior to the marriage, she must file a duly authenticated certificate of marriage or other documentary evidence showing when and where such marriage took place. Where the petitioner claims to have derived citizenship through the naturalization or resumption of citizenship of a parent or parents at the time of his birth outside the United States, he must file such documentary evidence of his citizenship as he has in his possession.[80]

If the petitioner is in the United States, he must file the petition with the appropriate district office of the Immigration and Naturalization Service; if he is abroad, he must transmit the petition directly to the Commissioner of Immigration and Naturalization. The petition is then examined as to execution and adequacy of supporting evidence; and, where appropriate, the petitioner is interviewed. Upon completion of the examination, the Commissioner notifies the Secretary of State if the petition is approved.[81]

The approval of a petition is automatically revoked upon the occurrence of the following events: (1) The beneficiary does not apply for an immigration visa within 3 years after approval of the petition, does not arrange with a consular officer to have his name placed on a waiting list, or the petitioner loses his citizenship or dies before the beneficiary applies for admission into the United States; (2) in the case of spouse beneficiaries, the marriage of the petitioner to the beneficiary terminates by divorce or annulment before the beneficiary applies for admission; and (3) in the case of child beneficiaries, the child is married or has attained the age of 21 years before he applies for admission.

The approval of a petition may be revoked for cause at any time prior to the commencement of the beneficiary's journey to the United States, provided that the petitioner is notified and given an opportunity to refute the evidence on which the revocation is predicated and notice of the revocation is communicated to the beneficiary through the Department of State.[82]

b. Comment on practices and problems relating to relatives of citizens

It is apparent from the statistical data that numerical restriction of immigration—the primary purpose of the Immigration Act of 1924—is subject to many exceptions. As has been seen, the flow of nonquota immigrants, free of any numerical restriction, approximates the volume of the restricted-quota immigrants. The chief problem relating to nonquota status for relatives of American citizens, as indicated by the observations and suggestions of officials of the Department of State, of the Immigration and Naturalization Service, and

[80] 8 CFR 165.1.
[81] 8 CFR 165.2.
[82] 8 CFR 165.3.

private individuals interested in the problem, is whether nonquota status should be broadened to include new classes of aliens or whether the status in its present form accomplishes the desired purpose without opening the dikes too far to unrestricted immigration.

The Immigration Act of 1924 contains many humane provisions designed to avoid or alleviate hardships in the treatment of aliens admissible under the law. For example, there are various provisions in the law based on the concept that family unity is desirable and that it is to the advantage of everyone to prevent, so far as practicable, family separations in the application of immigration restrictions. Accordingly, section 4 (a) of the 1924 act provides for the admission as nonquota immigrants of alien wives, husbands who married before January 1, 1948, and unmarried children under 21 years of age of citizens of the United States.

(1) Wives and husbands

The nonquota status accorded to wives and husbands of American citizens seems to have served its purpose of enabling the immigrant to maintain the family unit. It seems to be generally agreed by all those interested in the problem that, so long as we admit immigrants, it is desirable to give some preference to the admission of their spouses on the theory that we will obtain better citizens if the immigrant citizen is accorded the privilege of sending for the alien spouse. It is evident that the immigrant citizens have availed themselves of the privilege, since the admissions under section 4 (a) are second only to the admissions from the nonquota countries of the Western Hemisphere.

The substantive provisions which accord nonquota status to alien wives and husbands of American citizens are, however, subject to two criticisms: Section 4 (a) contains the proviso that alien wives and husbands are entitled to nonquota status only if the marriage occurred prior to issuance of the visa, and that alien husbands are entitled to the nonquota status only if the marriage occurred prior to January 1, 1948. The requirement that the marriage shall have occurred prior to issuance of the visa appears to be meaningless, since the eligibility for a nonquota immigration visa is premised upon the establishment of the status of the applicant as the wife or husband of a citizen. It is not possible to discern from the legislative history of the provision any useful meaning. The first part of the proviso was added by the act of July 11, 1932.[83] It was first offered by Representative Albert Johnson, of Washington, as an amendment to the bill (H. R. 10600) when it came to the floor of the House of Representatives. In explaining the amendment, Mr. Johnson stated:

> All that is intended by this amendment is to make sure that we do not open the way for a marriage of the kind not recognized in the United States. * * * We had trouble on the Oriental side with the "picture bride" system. * * * For instance, in Portugal, perhaps in Spain, and other countries, a marriage by proxy is legal and proper.[84]

The legislative history throws no other light on the meaning of this part of the proviso, and, since the terms "wife" and "husband," as defined in section 28 (n), do not at present include a wife or husband by reason of a picture or proxy marriage, it is recommended that the proviso be eliminated.

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[83] 47 Stat. 656.
[84] Congressional Record, April 18, 1932, p. 8408.

Under the second part of the proviso, a husband of an American citizen may not come in nonquota unless the marriage occurred prior to January 1, 1948. The legislative history does not show the reasons for this limitation in the case of husbands, while wives of American citizens are not limited. As originally enacted, section 4 (a) did not accord nonquota status to any husband. By the act of May 29, 1928,[85] nonquota status was extended to husbands if the marriage occurred prior to June 1, 1928, and by act of July 11, 1932,[86] the cut-off date was extended to July 1, 1932. The present cut-off date of January 1, 1948, was inserted by the act of May 19, 1948.[87] Apparently, the only reason for limiting the entry of husbands of citizens to those whose marriage occurred prior to the specified date, is that a husband has been traditionally considered to be the head of the household, and where he went, his wife would follow. It would seem, however, that there should be no distinction in the treatment of husbands and wives of American citizens. The underlying principle should be to maintain the family unit, which could be accomplished by removing the inequality in the treatment of husbands of American citizens. The subcommittee recommends, therefore, that section 4 (a) be amended to eliminate the January 1, 1948, cut-off date as to husbands of citizens of the United States.

The Visa Division of the Department of State has advised the subcommittee that the passage of the act of May 19, 1948, changing the cut-off date of husbands of citizen wives from July 1, 1932, to January 1, 1948, has changed the demand for first-preference quota visas in the following five countries, where the first preference portion of the quota is oversubscribed:

	Annual quota	Demand prior to new cut-off date	Demand 5 months thereafter
Greece	307	314	167
Portugal	440	41	24
Rumania	377	93	34
Spain	252	134	58
Turkey	226	356	264

These statistics indicate that changing the cut-off date has eased the first-preference requests in every country listed, since under the changed cut-off date American women who had married nationals of the countries listed between the old and the new cut-off dates can now bring in their husbands as nonquota immigrants. Under the provisions of section 6 of the act of 1924, only 50 percent of the annual quota is available for first-preference applicants, so even with the new cut-off date, American women who have married alien nationals of the five countries listed, subsequent to January 1, 1948, would have difficulty having them admitted as first-preference quota immigrants.

In countries where first-preference requests are current, the allotments dropped in almost every case after the cut-off date was changed. This would indicate that many of the first-preference cases are husbands of citizens. The granting of nonquota status to all husbands of citizens would further relieve the demand on the preference quota

[85] 45 Stat. 1009.
[86] 47 Stat. 656.
[87] 62 Stat. 241.

classes and result in some increase in the number of nonquota immigrants entering under section 4 (a).

Some concern was expressed by consular officers that the nonquota privileges extended alien spouses of American citizens were being abused and the alien spouse is frequently divorced from the citizen shortly after the immigration of the alien is accomplished. As a preventative, it was suggested that, if a nonquota spouse of an American citizen is divorced after entry, he or she should be required to leave and to enter again, if at all, under the nonpreference quota. Similarly, it was suggested that, where the American citizen and alien spouse have been married less than 2 years at the time the visa was issued and divorce proceedings are instituted within 1 year after entry, both parties be considered as prima facie guilty of a conspiracy to take fraudulent advantage of the immigration law, and upon failure to overcome the presumption, the alien spouse be deported and the American spouse fined.

It is provided under the act of May 14, 1937,[88] that any alien who, after entering the United States, is found to have secured either a nonquota or preference visa through fraud by contracting a marriage which, subsequent to entry, is annulled retroactively to the date of marriage, shall be deported, and that an immigrant who fails or refuses to fulfill a marital agreement made to procure his entry as an immigrant shall immediately become subject to deportation. Those provisions are being retained in the law, but there is some doubt as to whether they should be extended as suggested.

One of the problems encountered by the Immigration and Naturalization Service for the fiscal year 1947 was the applications for the admission of Chinese aliens who allege that they are the wives of American citizens.[89] The chief problem arises from the marriage customs of the Chinese and the fact that no official records of the marriage are kept. To remedy this situation, it was suggested provision be made that where the marriage occurs in a country where no records are kept, that the relationship of husband and wife will not be recognized unless, within a period of 6 months after such marriage, the fact of the marriage is registered with the appropriate American consul; and that there be placed on file with the American consul at the time of registration a photograph of the alien spouse taken within 3 months subsequent to the marriage. This procedure would seem to afford a means of obtaining documentary evidence of the marital relationship where the American citizen petitions for a nonquota immigration visa for his alien Chinese wife, but it is not deemed necessary to include it in the law.

Under the provisions of the Judd bill,[90] as passed by the House of Representatives, the nonquota status under section 4 (a) is extended only to immigrants otherwise chargeable to quota areas having a quota of 200 or more. The effect of the provision is to deny the nonquota privilege to alien husbands, wives, and children chargeable to a quota area within the Asia-Pacific triangle, since no quota area within that area can have a quota of as much as 200. It is the opinion of the subcommittee that the retention of such a restriction on nonquota immigration from the Asia-Pacific triangle cannot be justified under

[88] 50 Stat. 165; 8 U. S. C. 213a.
[89] Immigration and Naturalization Service, Annual Report, 1947, p. 6.
[90] H. R. 199, 81st Cong.

the previously expressed policy of removing the bars to immigration from that area. To profess to remove the discrimination against immigration by Asian and Pacific peoples and at the same time deny nonquota status to certain alien wives and husbands of American citizens on a basis which would eliminate all persons of Asian or Pacific origin from that category is inconsistent. The subcommittee recommends that all alien wives and husbands of American citizens be accorded nonquota status.

It is difficult to estimate how many alien wives and husbands of American citizens would enter the United States annually if the privilege of nonquota status is extended to the Asian and Pacific peoples. Some indication of the number that may be expected to enter was indicated in a report of the American consul general in Japan. It was pointed out that, in general, the military authorities have not granted permission for marriages between citizens member of the occupation forces and Japanese nationals, primarily on the grounds that such marriages would have little chance of success in view of the inadmissibility of the prospective spouse. Upon the removal of the racial restrictions, the validity of the objection would no longer exist, and probably a considerable number of such marriages would take place. Experience under the amendment to the GI Brides Act, showed that approximately 850 marriages were concluded between American citizens and Japanese nationals in the 30-day period embraced by that amendment. Approximately 75 percent of the American citizens were of the Japanese race. Based on that experience, it is estimated that approximately 1,000 to 1,500 such marriages would take place each year as long as the occupation forces remain in Japan, and that a majority of the American citizens who would be parties to the marriages would be American citizens of the Japanese race.

It is further estimated that approximately 500 additional American citizens, not in the occupation forces, are now married to alien Japanese women and that approximately 300 would bring their wives to the United States in the first year. Subsequently, the alien Japanese wives would number about 50 to 75 a year. It is estimated that after the military occupation of Japan is terminated, the number of alien wives and children who would enter from Japan in nonquota status would probably not exceed 100 to 125 a year.

(2) Children

The provision for the admission of alien children of American citizens as nonquota immigrants presents no serious problem under the immigration laws. It seems to have served adequately the purpose of keeping the family unit intact. Any problem concerning children arises in connection with the derivative citizenship cases where the foreign-born children of American citizens and alien spouses claim the right of entry as citizens of the United States. The suggestions presented to the subcommittee dealt primarily with the expansion of the nonquota classification and the establishment of uniform age provisions for children.

At present, in addition to the age limit of 21 years for children in section 4 (a), various sections of the immigration laws refer to children in terms of age limits as follows: Sections 4 (c) and 4 (d) refer to children under 18 years of age, section 6 (a) (1) to a dependent child under 18 years, section 6 (a) (2) to an unmarried child under 21,

section 12 (a) to a child under 21, section 3 (6) to unmarried children under 21, section 3 of the 1917 act to an unaccompanied child under 16 years, and section 19 (c) of the 1917 act refers, for suspension purposes, to a child under 21 years of age. It was generally agreed by persons who appeared before the subcommittee and those who submitted recommendations that the age limit applicable to children should be the same in all cases and a child should be considered as a person under 21 years of age in all instances. This could be accomplished either by using the age limit of 21 years in each provision applicable to children or by making reference to a child in each instance and defining the term "child" as an unmarried person under 21 years of age.

It is the opinion of the subcommittee that there should be such uniformity and a child should be considered as an unmarried person under the age of 21 years.

It was suggested that any new immigration law should provide a better method of keeping the families of immigrants together by affording a more liberal treatment of children. It was pointed out that where an American citizen marries an alien widow with children, the wife is entitled to nonquota status but the children must await their turn under the second preference class. No provision is made under the law for the admission of adopted and acknowledged children as nonquota immigrants. Under section 28 (m) of the 1924 act, the definition of a child includes a child adopted prior to January 1, 1924, but any such child would now be over 21 years of age and, hence, section 4 (a) would not afford any relief. An adopted child has been accorded the same treatment as a natural child under the act of 1917 and was treated as a natural child under the GI Brides Act.[91] The subcommittee believes it is necessary to provide some safeguard in the law to prevent a large number of fraudulent adoptions consummated solely for the purpose of conferring nonquota status.

It is the opinion of the subcommittee that while it would be unwise to liberalize unduly the provisions of the law pertaining to the admission of adopted children of American citizens, it is believed that the term "child" should include a child adopted in the United States in a court of competent jurisdiction if the adoption takes place before the child reaches the age of 16 years and the child is in the legal custody of the adopting parents. The term "child" should also include a stepchild if the child was not more than 16 years of age at the time of the marriage creating the status occurred. Legitimated children should also be included if legitimated under the law of either the child's or father's residence or domicile if the legitimation takes place before the child reaches the age of 16 and while in the legal custody of the legitimating parent.

As has already been noted, nonquota status for unmarried minor alien children of American citizens under section 4 (a) is not applicable to Chinese children who would otherwise qualify, since under the provisions of section 2 of the act of December 17, 1943,[92] such children are specifically chargeable to the quota. Since the Chinese Exclusion Acts have been repealed, it has been suggested to the subcommittee that the unmarried minor alien children of an American

[91] See decision of Board of Immigration Appeal, Immigration and Naturalization Service, Monthly Review, September 1948, p. 36.
[92] 57 Stat. 600; 8 U. S. C. 212a.

citizen of Chinese descent be accorded the same nonquota status accorded to unmarried minor children of other citizens. In considering this suggestion, the background of fraud and subterfuge in the Chinese derivative citizenship cases must be borne in mind.

After the enactment of the Chinese Exclusion Acts, Chinese immigration for permanent residence was practically cut off. Chinese born in the United States were, however, citizens and could confer their citizenship on their children born in China of alien Chinese wives.[93] The testimony and information before the subcommittee indicates that there has been widespread fraud, involving spurious claims to citizenship by Chinese on the basis of birth in this country and spurious claims to birth of children in China of a citizen Chinese. Many of the birth records of Chinese in this country were destroyed in the San Francisco fire of 1906 and marriage and birth records are generally not available in China. Over the years, Chinese citizens regularly visited China and frequently upon reentry reported the birth of a child or children in China. Chinese children were subsequently brought to the United States and there was insufficient evidence to refute their claim to admission on the basis of United States citizenship. A survey of these delayed citizenship cases established, however, that Chinese citizens claimed the birth of males at the ratio of approximately 13 to each female while a medical survey in China established that the birth ratio between the sexes is approximately equal. Another survey showed that citizen Chinese claimed a death rate of approximately 1 percent of their total offspring, while the actual death rate of children under 5 years of age among the Pekinese is 29.7 percent and 55.5 percent among the Cantonese. The conclusion drawn from the surveys was that approximately 75 percent of the Chinese derivative citizenship cases are fraudulent. The explanation was advanced that where a Chinese citizen has over a period of years recorded claims of the birth of certain offspring in China, it is easy to bring in any Chinese person of appropriate age. Due to the willingness of Chinese to pay substantial sums for the entry of Chinese children, the practice has been common among the Chinese.

Although the subcommittee recommends that the discrimination in the law against alien Chinese children of citizens be removed so that they would be eligible to enter as nonquota immigrants, the subcommittee in no way condones the frauds that have been practiced and holds that adequate provision should be made to prevent subterfuge in the use of the nonquota provision. The subcommittee recommends that the law require an applicant for nonquota status as a relative of an American citizen to establish to the satisfaction of the American consular officer to whom application is made for a visa and to the satisfaction of the Commissioner upon application for admission at the port of entry, that he bears the claimed relationship. If either the consular officer or the Commissioner knows or has reason to believe that the applicant does not bear the claimed relationship, the application should be denied.

(3) Other relatives

Numerous suggestions were made by representatives of the Department of State, the Immigration and Naturalization Service, and

[93] R. S. sec. 1993; 8 U. S. C. sec. 601.

private organizations that section 4 (a) be expanded to include alien parents of American citizens and thus contribute to the maintenance of family unity. It was contended that in many cases the citizen offspring send money out of the country for the support of the parents, money which would remain in the country if the parents were permitted to spend their last days with their children. Although the parents are entitled to first preference under the quotas, under the oversubscribed quotas of many of the countries, it would be 7 or 8 years, before many of the parents could ever join their children who had immigrated to the United States. It was suggested that nonquota status for parents of citizens be limited to parents over 60 years of age. Representatives of the Department of State suggested that a provision for nonquota status for parents of citizens might have temporary applicability to clear up the backlog in the oversubscribed quota countries, since the preferences would thereafter provide adequate remedy for parents.

The subcommittee is not oblivious to the humane considerations present in the suggestions, but is of the opinion that nonquota status should not be extended beyond the immediate family unit.

(*4*) *Modification of petition procedure*

It has been observed [94] that an American citizen desiring to obtain the entry of an alien spouse or child under section 4 (a) of the 1924 act must petition for the admission under the procedure in section 9 of the act. The suggestion was made by several consular officials that the petition procedure is cumbersome, particularly where the American citizen is abroad and files the petition with the consul to whom application for the visa is made. The petition must be forwarded to the Department of Justice and, if approved, returned to the consul through Department of State channels. This procedure often causes long delay and real hardship. The opinion was expressed that, when the citizen is personally before the consul, his passport is adequate evidence of his citizenship and that the consul, therefore, is in a position to pass upon the petition.

The subcommittee, however, recommends that the petition procedure be retained as a means of assuring that the claimed relationship exists. Minor modifications should eliminate some of the difficulties in its administration.

4. NONQUOTA CLASSIFICATION OF RETURNING ALIEN RESIDENTS

a. Applicable law and regulations

Section 4 (b) of the Immigration Act of 1924 provides nonquota status for an immigrant previously lawfully admitted to the United States, who is returning from a temporary visit abroad.

The regulations of the Department of State provide that possession of a valid reentry permit or resident alien's border-crossing identification card will exempt an alien and any accompanying child born during the trip from the necessity of obtaining a nonquota immigration visa, provided that the alien possessing a border-crossing card is returning to the United States after an absence of not more than 6 months in which he visited no foreign territory other than Canada or Mexico. Consular officers are authorized to take up reentry permits

[94] See p. 462.

and border-crossing cards for transmission to the Department of Justice where it appears that such documents are being used by a person other than the one to whom they were issued or where the alien is outside of foreign contiguous territory. If the consular officer believes a reentry permit or border-crossing card was obtained through fraud, he does not take up the document, but transmits the information to the Department of State.[95]

Under the regulations, the burden is placed on the returning alien resident to establish (1) previous lawful admission to the United States for permanent residence, (2) departure from the United States with the intention of returning to reside therein, (3) an unrelinquished domicile in the United States, and (4) that any protracted stay abroad was caused by justifiable reasons over which he had no control. Prima facie evidence of previous lawful admission for permanent residence may consist of an expired reentry permit issued since January 1, 1932; a resident alien's border-crossing identification card; a declaration of intention to become an American citizen dated on or after July 1, 1929; conclusive evidence of a record of registry under the act of March 2, 1929, or section 328 (b) of the Nationality Act of 1940; or an immigrant identification card, except a student identification card.[96] Resident aliens who are absent from the United States under the provisions of section 307 (b) or 308 of the Nationality Act of 1940 are considered statutory residents and may be issued nonquota immigration visas.[97] The regulations include a detailed procedure to be followed by the consular officers for verifying the previous lawful admission of the alien for permanent residence where there is any doubt.[98]

The regulations of the Immigration and Naturalization Service require that an alien resident applying for admission into the United States as a nonquota immigrant must establish that he has been previously lawfully admitted for permanent residence and is returning from a temporary visit abroad, and he must present the required document. The following classes of aliens who on admission expressed an intention to remain temporarily but who remained permanently may be regarded as having been admitted for permanent residence: (1) An alien admitted prior to June 3, 1921, except an alien admitted under the ninth proviso of the 1917 act; (2) an alien admitted under the act of May 19, 1921, as a permanent resident regardless of quota limitations; (3) an alien who was an accompanying wife or unmarried child under 21 years of age, admitted for permanent residence under the act of May 19, 1921, regardless of quota limitations; and (4) an alien properly charged to a quota under the act of May 19, 1921, who remained so charged.[99]

Under the regulations the following classes of aliens are presumed to have been lawfully admitted even though no record of their original entry can be found: Citizens of Canada or Newfoundland who entered across the Canadian border prior to October 1, 1906; citizens of Mexico who entered across the Mexican border prior to July 1, 1908, and aliens who entered the Virgin Islands of the United States prior to July 1, 1938.[1]

[95] 22 CFR 61.211.
[96] 22 CFR 61.214.
[97] 22 CFR 61.215.
[98] 22 CFR 61.216.
[99] 8 CFR 110.37.
[1] 8 CFR 110.38.

b. Comment on practices and problems relating to returning alien residents

Aliens, previously lawfully admitted into the United States for permanent residence, who are accorded nonquota status when returning from a temporary visit abroad under section 4 (b), are not strictly immigrants since they have already been lawfully admitted for permanent residence. A consular officer suggested that the time within which an alien without a reentry permit may apply for a nonquota immigration visa should normally be limited to 1 year, since he should be considered as abandoning his domicile. The present procedures of the Department of State are adequate in this regard and there is no necessity for the inflexible rule. The nonquota status for returning alien residents is amply justified and the subcommittee recommends that the provisions of section 4 (b) be retained.

5. NONQUOTA CLASSIFICATION OF NATIVES OF WESTERN HEMISPHERE COUNTRIES

a. Applicable law and regulations

Section 4 (c) of the Immigration Act of 1924 grants nonquota status to an immigrant born in the Dominion of Canada, the Republic of Mexico, the Republic of Cuba, the Republic of Haiti, the Dominican Republic, the Canal Zone, or an independent country of Central or South America, as well as his wife and unmarried children under 18 years of age accompanying or following to join him.[2]

The regulations of the Department of State make it clear that an alien who is born in one of the specified countries acquires a nonquota status regardless of residence, citizenship, or nationality. The same is true of a wife or child.[3] A wife who was born in one of the specified countries is entitled to nonquota status although she is married to an alien who was born in a quota country. Likewise, a child who was born in one of the specified countries, regardless of age or marital status, has nonquota status even if accompanying an alien parent who was born in a quota country.[4]

It is clear, however, that an alien who is ineligible to citizenship, who is of a race indigenous to India, or who is Chinese shall not be entitled to this nonquota status.

b. Comment on practices and problems relating to natives of Western Hemisphere countries

The granting of nonquota immigration status to immigrants born in Western Hemisphere countries gives rise to the most serious problem under the nonquota classification, yet there seems to be no ready solution to the problem. Approximately 71 percent of the total volume of nonquota immigration has consisted of aliens from Western Hemisphere countries, and nonquota immigration has approximately equaled quota immigration.[5] Moreover, at least one-third of the total immigration has been composed of aliens from Western Hemisphere countries. The numerically unrestricted immigration from Western Hemisphere countries is a serious problem in view of the general policy of numerical restriction of immigration under the quota system.

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[2] 8 U. S. C. 204 (c).
[3] 22 CFR 61.221 (a), (b), and (c).
[4] 22 CFR 61.221 (d).
[5] See appendix XII, table 12, p. 894.

The considerations which prompted the extension of nonquota status to Western Hemisphere aliens are entirely different from the considerations for granting nonquota status to the other classifications of aliens. The blanket nonquota status in the case of Western Hemisphere aliens rests chiefly upon considerations arising from geographical proximity of the Western Hemisphere countries and considerations of friendly relations among them.[6]

This exemption has given rise to much debate and, from time to time, there has been considerable agitation for the imposition of quota controls on Western Hemisphere immigration. It has been contended that many of the natives of those countries are of stock similar to the stock of natives of southern Europe and should, therefore, be subject to numerical restrictions similar to those on natives of southern and eastern Europe. It was stated that as a result of the nonquota policy for natives of Western Hemisphere countries, an increasing number of aliens are entering from Mexico and Central America who live barely above, or even below, the subsistence level and who are content to live on their earnings during summer months and public relief the rest of the year, since their standard of living on charity is higher than it was before they entered the United States. It was also stated that these aliens have shown little capacity for self-government, have seldom applied for citizenship, and generally cannot be depended upon to support wholeheartedly our democratic institutions. As a matter of self-protection, it was argued, these aliens should be placed under some numerical restriction.

The agitation for restriction has fluctuated with the rise and fall of the tide of immigration from those countries. During the late twenties and early thirties, there was considerable sentiment to impose restriction when it appeared likely that nonquota immigration from Canada and Mexico might exceed quota immigration. These peaks have been attributed to the imposition of numerical restrictions on immigration from European countries, which curtailed the supply of common laborers from Europe and consequently attracted Mexican immigrant laborers. Many factors, such as the economic depression, intensive consular examinations, the requirement of visas and visa fees have had some deterring influence on immigration from nonquota countries. Since the decline during the depression years, there has been a gradual increase in immigration from the nonquota countries, reaching a total of 41,782 for the fiscal year 1948. Although this does not present as serious a problem as the peak of 146,729 in 1927, it still indicates that this numerically unregulated immigration presents one of the most questionable features of our immigration system.[7]

The principal reasons advanced for exempting aliens from Western Hemisphere countries from quota restrictions are (1) the extensive Canadian and Mexican borders make it almost impossible to protect the land borders from illegal entries into the United States; (2) some of the countries of Central and South America had no nationals in the United States at the time of the adoption of the national origins quota, so that the imposition of a quota system would have meant almost total exclusion of immigrants from those countries; and (3) quota restrictions are not compatible with our good-neighbor policy.

[6] Helen E. Eckerson, op. cit., p. 186.
[7] Helen F. Eckerson, op. cit., p. 185.

c. Conclusions and recommendations

The subcommittee views with concern the large volume of nonquota immigration from the Western Hemisphere countries, but, in view of the foregoing reasons, recommends that immigration of aliens from Western Hemisphere countries continue to be regulated by the qualitative restrictions in the law, such as those relating to literacy, health, morals, and economic conditions.

6. NONQUOTA CLASSIFICATION OF MINISTERS AND PROFESSORS

a. Applicable laws and regulations

Section 4 (d) of the Immigration Act of 1924 provides nonquota status for an alien who continuously for at least 2 years immediately preceding the time of his application for admission into the United States has been a minister of any religious denomination, or a professor of a college, academy, seminary or university and who seeks to enter solely for the purpose of carrying on that vocation. The same status is conferred upon the wife and unmarried children under 18 years of age accompanying or following to join a minister or professor.[8]

Under the visa regulations of the Department of State, a minister is defined as a person duly authorized by a recognized religious sect or denomination to conduct religious worship and to perform other duties usually performed by a regularly ordained pastor or clergyman, whether of a Christian or non-Christian religion. The term does not include lay preachers not authorized to perform the duties usually performed by a regularly ordained pastor or clergyman, nor does it include cantors and nuns.[9]

To be eligible for a nonquota immigration visa as a professor, the applicant must ordinarily show that his principal occupation has been instructing students as a member of the faculty in a recognized college, academy, seminary, or university. The term "professor" is construed to include teachers of foreign languages if they are properly equipped for that occupation, whether or not they hold college or university degrees. The terms "academy" and "seminary" include any reputable institution of learning equipped to prepare students for college.[10]

In order for an alien coming to the United States as a research assistant to qualify for nonquota status as a professor, he must be coming to be a member of the faculty and have some duties connected with the instruction of students. A research assistant need not give formal courses, it being sufficient if he is a laboratory assistant, tutor, or consultant who supervises research or outside reading being done by students. The primary test is whether the research assistant is to teach rather than to pursue his own studies.[11]

Elementary school teachers are not classifiable as professors under section 4 (d).[12] Before issuing a nonquota immigration visa to a minister or professor, a consular officer may require documentary evidence of the proposed employment, including exhibition of a contract with a congregation or educational institution in the United States.[13]

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[8] U. S. C. 204 (d).
[9] 22 CFR 61.223.
[10] 22 CFR 61.224 (a) and (b).
[11] 22 CFR 61.224 (c).
[12] 22 CFR 61.224 (d).
[13] 22 CFR 61.225.

The regulations of the Immigration and Naturalization Service require that ministers and professors must present duly issued visas and establish to the satisfaction of the examining immigration officer that they seek to enter solely for the purpose of following their vocation.[14]

The Smith-Mundt Act [15] declared that one of the means to be used in achieving a better understanding of the United States in other countries and to increase mutual understanding between the people of the United States and the people of other countries is an educational exchange service to cooperate in the interchange of persons, knowledge, and skills. The Secretary of State is authorized to provide for interchanges on a reciprocal basis between the United States and other countries of, among others, teachers, guest instructors, and professors. Professors entering this country under the exchange programs are designated by the statute as nonimmigrants under section 3 (2) of the Immigration Act of 1924. Thus, if the professors receive aid from the United States Government under the exchange programs, they will not acquire nonquota status upon entering this country.

b. Comment on practices and problems relating to ministers and professors

The classification of ministers and professors as nonquota immigrants is the one provision of the immigration laws which allows aliens to be admitted to permanent residence, free of the quota restrictions on the basis of their vocation. The same privilege is extended to the wife and unmarried children under 18 years of age accompanying or following to join such aliens. It is not apparent from the legislative history why these particular professions were singled out for preferential treatment. In the visa regulations of the Department of State it is explained that the purpose of the provision is to enable religious bodies and institutions of learning to bring needed ministers and professors from foreign countries rather than to exempt ministers and professors from the quota requirements because of their vocational status.[16] It is significant that, while the professor or minister must express the intention of entering the United States solely for the purpose of following his vocation, he is free after admission to abandon his profession and pursue any occupation. It appears, therefore, that the purpose of the quota exemption may be easily defeated at the will of the immigrant. Information submitted to the subcommittee was that large numbers of aliens in oversubscribed quota countries have been issued 4 (d) visas as ministers or professors and that after their admission they no longer followed their profession.

Several suggestions were received by the subcommittee with respect to changes in the law, including removal of ministers and professors from the nonquota classification and the imposition of additional restrictions to insure the good faith of the applicant. It was suggested that where the economic future of alien ministers and professors is not assured, a bond be required in the name of the sponsoring institution guaranteeing that such aliens shall not become public charges for a period of 5 years; that evidence of the need of ministers and professors should have approval of the Department of Labor before visas are issued; that the sponsoring institution should be required to submit periodical reports for 5 years on the status of aliens admitted as

[14] 8 CFR 110.40 (a).
[15] 62 Stat. 6.
[16] 22 CFR 61.222.

ministers or professors; and that such aliens shall be subject to deportation if they are not primarily engaged in their professions in that period.

The foregoing suggestions would, in effect, make the privilege of permanent residence conditional, and unless the conditions were fulfilled, the immigrants would be considered as being in the country under a temporary status. It has been suggested that one method of effecting better control of the immigrant ministers and professors would be the inauguration of a petition procedure, similar to petitions for the admission of relatives, whereby the sponsoring religious body or institution of learning would have to obtain approval of its request for the admission of a needed minister or professor before a nonquota immigration visa could be issued.

c. Conclusions and recommendations

It is the opinion of the subcommittee that ministers and professors be removed from the nonquota classes. Under the proposed establishment of a first-preference class of quota immigrants to which will be allotted 30 percent of each quota for persons whose services are needed in the United States, the requirements of religious and educational institutions in this country for the services of ministers and professors will be adequately met. Since the institution desiring the services of ministers or professors must petition the Commissioner of Immigration and Naturalization for their admission, there will be better assurance that their services are needed and that they will continue to pursue their profession.

7. NONQUOTA CLASSIFICATION OF EXPATRIATED CITIZENS

a. Applicable law and regulations

Section 4 (f) of the Immigration Act of 1924, as amended, provides nonquota status for a woman who lost her citizenship by marriage to an alien, by the loss of citizenship by her husband, or by marriage to an alien and residence in a foreign country.[17]

Section 317 (c) of the Nationality Act of 1940[18] provides that a former citizen of the United States, who was also a citizen of a foreign state, who has been expatriated under the provisions of section 401 (c) of the act may enter the United States as a nonquota immigrant for the purpose of recovering his citizenship.

The visa regulations of the Department of State[19] and the regulations of the Immigration and Naturalization Service[20] provide that a woman who lost her citizenship under the above conditions is eligible for a nonquota status regardless of her present marital status or race, if she acquired no other nationality by an affirmative act other than by her marriage to an alien.

b. Comment on expatriated citizens

The suggestion was made by several consular officials that in view of the fact that a native citizen may lose his citizenship under the Nationality Act of 1940, that the nonquota status should be enlarged to include all persons born in the United States who have lost their citizenship and desire to reenter for the purpose of repatriation. It

[17] 46 Stat. 854; 8 U. S. C. 204 (f).
[18] 54 Stat. 1137; 8 U. S. C. 717.
[19] 22 CFR 61.231.
[20] 8 CFR 110.36 (b).

was pointed out that all natives of the other Western Hemisphere countries have a nonquota status and that the same privilege should be accorded an expatriated native of the United States. A native-born United States citizen who has been expatriated and who does not fall within the exceptions must reenter the United States as a quota immigrant, yet members of his family born in any of the nonquota countries are entitled to nonquota status.

c. Conclusions and recommendations

The subcommittee recognizes that the denial of nonquota status to some expatriated native-born United States citizens may result in an anomalous situation under the law. In view of the recommendation by the subcommittee for the adoption of new concepts in the approach to the question of repatriation under the nationality law, it is not deemed necessary to extend further the nonquota classification to embrace additional classes of expatriates.

Under the proposed changes in the nationality laws relating to repatriation of a woman who has lost her citizenship under conditions which entitled her to a nonquota status under section 4 (f) of the 1924 act, the nonquota status need be provided only for a woman designated in section 323 of title III of the proposed bill.

Likewise, nonquota status for 1 year from the effective date of the proposed bill is made in the proposed bill for a child who has lost his citizenship under section 401 (a) of the Nationality Act of 1940, as amended, and for certain persons who seek to regain their citizenship.

There will no longer be any necessity for providing a nonquota status for a former citizen of the United States who was also a citizen of a foreign state, who has been expatriated under the provisions of section 401 (c) of the Nationality Act of 1940, as amended, for the purpose of entering the United States to recover his citizenship, under the proposed revisions of the Nationality Act.

8. NONQUOTA CLASSIFICATION UNDER THE PHILIPPINE TRADE ACT

Under section 231 of the Philippine Trade Act of 1946,[21] any citizen of the Philippines who resided in the United States for a continuous period of 3 years during the 42 months ending November 30, 1941, may, if entering the United States between July 4, 1946, and July 3, 1951, for the purpose of resuming residence, enter as a nonquota immigrant. The exclusion provisions of section 13 (c) of the 1924 act, and so much of section 3 of the 1917 act as relates to exclusion of natives of specified geographical areas, are not applicable to such immigrant. The benefits of the act also apply to the wife of the immigrant, if she is a citizen of the Philippines or eligible to United States citizenship, and to his unmarried children under 18 years of age if they are accompanying or following to join him.

This is temporary legislation, an expression of good will toward the Philippines, and requires no comment.

9. OTHER CLASSES OF IMMIGRANTS NOT CHARGEABLE TO QUOTAS

There are several additional classes of immigrants who are not specifically included in the definition of nonquota immigrants but

[21] 60 Stat. 141.

who are admissible to the United States for permanent residence outside of any quota.

a. Spanish subjects

All Spanish subjects who on April 11, 1899, were bona fide residents of Puerto Rico or of the adjacent islands, which comprised the Province of Puerto Rico, and who have preserved their allegiance to the Crown of Spain may be admitted to Puerto Rico without regard to the immigration laws.[22] It is believed that this provision is no longer necessary and may be removed from the law.

b. Natives of Puerto Rico, the Virgin Islands, Guam, and American Samoa

Under the visa regulations of the Department of State and the procedures of the Immigration and Naturalization Service, aliens born in Puerto Rico, Guam, the Virgin Islands, and American Samoa are considered as not coming within the quota restrictions imposed by the immigration laws.[23]

c. American Indians born in Canada

Under the act of April 2, 1928, [24] the provisions of the Immigration Act of 1924 are not applicable to American Indians born in Canada who pass the borders of the United States, subject to the proviso that the exemption from the provisions of the Immigration Act of 1924 does not apply to persons who acquired membership in Indian tribes and families by adoption.

d. Children

A child who is not otherwise exempt from quota restrictions and who is born after the issuance of an immigration visa to the accompanying parent, but before the expiration of the visa, is not chargeable to any quota.[25] Similarly, a child born during a temporary visit abroad of a mother who is a lawful permanent alien resident or a noncitizen national of the United States is not chargeable to any quota. The accompanying parent must be admissible and must be entering for permanent residence upon the first return to the United States after the child's birth, and the application for admission of the child into the United States must be made within 2 years after the child's birth.

e. Citizens expatriated through acts of parents

Section 318 (b) of the Nationality Act of 1940 [26] provides that no former citizen who was expatriated through the expatriation of his parent or parents shall be subject to the immigration laws if he has not acquired the nationality of another country by affirmative act and if he comes to the United States before reaching the age of 25. In view of the changes in the Nationality Act this class will cease to exist.

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[22] 44 Stat. 657; 8 U. S. C. 231.
[23] 22 CFR 61.204, 61.206; Immigration Manual, secs. 421 (a) (1), 1513.53, 1513.73 (c).
[24] 45 Stat. 401; 8 U. S. C. 226a.
[25] 8 U. S. C. 213.
[26] 54 Stat. 1137; 8 U. S. C. 718.

10. MISCELLANEOUS SUGGESTIONS FOR EXPANSION OF NONQUOTA CLASSES

The subcommittee received several suggestions from personnel of the Immigration and Naturalization Service and representatives of private organizations that nonquota status should be granted to additional selected groups of aliens of particular vocations whose services are needed in this country. It was suggested that the nonquota classes should be enlarged to include physicians, surgeons, and registered or graduate nurses who have at least 2 years continuous prior service. A representative of a religious organization stated that there is a need for foreign religious workers in the United States in addition to ordained ministers, and suggested that they be admitted nonquota where they have dedicated themselves to a religious life and served in that capacity for 2 years prior to application for admission. Representatives of other organizations suggested that provision be made to admit as nonquota immigrants certain skilled workers and aliens whose services will aid our national security and economy.

The subcommittee is cognizant of the fact that many situations will arise in which it will appear desirable to expedite the admission of certain aliens by granting them nonquota status. This is particularly true where their services, because of knowledge or training, appear to be of special benefit. It is the view of the subcommittee that the 30-percent preference in each quota, which the subcommittee has recommended to be granted aliens whose services are needed, will adequately serve the interests of this country in the case of aliens whose services would appear to be of special benefit to the United States.

11. NONQUOTA CLASSIFICATION OF FOREIGN STUDENTS

a. Applicable laws and regulations

(1) Immigration Act of 1924

The basic statutory provisions relating to the admission of foreign students are in the Immigration Act of 1924.[27] Section 4 (e) of the act provides that a student is eligible for admission as a nonquota immigrant if the following requirements are met: (1) He is a bona fide student at least 15 years of age, (2) he seeks to enter the United States solely for the purpose of study at an accredited school, and (3) the school is approved by the Attorney General and has agreed to report to the Attorney General the termination of the attendance of each student who has enrolled pursuant to the act.

Supplementing this provision of the law, the Department of State has promulgated regulations governing the issuance of immigration visas to alien students who are qualified and who are otherwise admissible under the immigration laws.[28] The regulations require that the student be given the examination applicable to all immigrants, including a medical examination.[29] The consular official may act on the application for a visa under section 4 (e) upon presentation of evidence that (1) the student has been accepted by an insti-

[27] 43 Stat. 153; 8 U. S. C. 201.
[28] 22 CFR 61.227-230.
[29] 22 CFR 61.227 (b).

tution of learning in the United States, approved by the Attorney General; (2) his sole purpose in coming to the United States is for the purpose of study, consisting of a minimum of 12 semester hours or the equivalent thereof, if coming as an undergraduate, or consisting of a full program of study as required in individual cases by the approved institution, if coming as a graduate student; (3) he intends to leave the United States upon completion of his studies and will be able to enter some foreign country;[30] (4) he has or will have sufficient funds to cover his expenses, or, if it is necessary for him to accept employment, that employment will not interfere with the pursuit of a full course of study and that arrangements for the employment have been made;[31] and (5) he has sufficient scholastic preparation and knowledge of the English language to undertake a full course of study, provided, however, that a visa may be issued to a student who has been accepted by an approved school which is equipped to offer a full course of study in a language with which he is sufficiently familiar and to a student who desires to study English only or to study only English until such time as he would be able to carry a regularly prescribed course, if he is otherwise eligible and it is conclusively shown that he has been accepted by an approved school for a definite course of English equivalent in hours to a regular prescribed course.[32]

The application must be accompanied by a letter of acceptance from the institution of learning to which the student is destined. If an applicant for a student visa under section 4 (e) desires to attend a school which is not on the approved list, the consular official then submits a report to the Department of State which ascertains from the Department of Justice whether the school may be approved.

The regulations of the Immigration and Naturalization Service relating to the admission and stay of alien students in this country provide [33] that a student may be admitted for a period not to exceed 1 year, but if the intended course of study is less than 1 year, the period of admission may not exceed the actual period of such intended course plus necessary travel time. In no case may the period of admission extend beyond a date 60 days prior to the end of the period during which the student is eligible for readmission to the country from which he came or to some other foreign country.[34] The regulations of the Immigration and Naturalization Service set out in detail the conditions of admission of aliens as students, which, in substance, are as follows: [35]

1. The alien must be at least 15 years of age.

2. He must be qualified to enter and have definitely arranged to enter an accredited school specifically designated by him and approved by the Attorney General.

3. He must establish that his sole purpose in coming to the United States is to pursue a definite course of study, consisting of a minimum of 12 semester hours or the equivalent thereof in the case of an undergraduate or a full program in the amount and nature required by the school in the case of a graduate student. He must also establish that he has sufficient scholastic preparation and knowledge of the English language to undertake the course of study.

[30] 22 CFR 61.228 (a).
[31] 22 CFR 61.228 (b).
[32] 22 CFR 61.228 (c).
[33] 8 CFR 125.
[34] 8 CFR 125.2.
[35] 8 CFR 125.3.

4. He must establish that he is financially able to pursue the course of study.

5. He must intend to leave the United States at the expiration of the period of admission, or any extension thereof, or upon the termination of his status.

6. He must furnish bond in a sum of not less than $150 to guarantee his departure at the expiration of his period of stay or upon failure to maintain status, whichever occurs first, if such bond is required.

7. He must present the documents required by Executive order or regulations, including evidence of compliance with the Alien Registration Act of 1940.

8. He must establish that he is not an alien subject to exclusion from the United States under the immigration laws and regulations.

After the student is admitted, the regulations provide that his stay may be extended for periods not exceeding 1 year each, provided the student has fulfilled and will continue to fulfill the original conditions of admission, including the requirement of a bond if necessary.[36] Failure to comply with the conditions of admission shall subject the student to deportation proceedings in accordance with the immigration laws and regulations issued pursuant thereto.[37]

The regulations of the Immigration and Naturalization Service also set out in detail procedural requirements governing the admission and control of alien students. An examining immigrant inspector is authorized to admit an alien student if he is satisfied that the alien is admissible as such, but if he is only satisfied that the student would be admissible upon the furnishing of a bond, he may refer the case to the officer in charge of the port who may admit the student upon the posting of a bond. If the examining inspector is not satisfied that the alien is admissible as a student, the alien is held for examination by a board of special inquiry.[38]

The regulations of the Immigration and Naturalization Service provide a procedure for the maintenance of records of admission, readmission, and departure of students. At the time of admission of every student, the admitting officer endorses the date and place of admission on the student's passport and makes an entry on a prescribed form (I–94) of the name and location of the institution to which the student is destined. The original of the form is sent to the headquarters of the district to which the student is destined, the duplicate is given to the student, and the triplicate is attached to the visa and accompanies it to the central office of the Immigration and Naturalization Service. The duplicate form serves as the student's alien registration receipt card. The immigrant inspector, in addition to stamping the alien's passport to show "admitted" and the date and place of admission, is required to enter on the passport the serial number of the form issued to the student. A notice of the admission of the student is sent from the port of admission to the school of destination with advice of the location of the district immigration office in which reports must be filed.[39]

In certain cases, a student, during his authorized stay, may visit certain countries and be readmitted without obtaining a new immigration visa. When a student departs from the United States, either

[36] 8 CFR 125.4.
[37] 8 CFR 125.5.
[38] 8 CFR 125.11.
[39] 8 CFR 125.12 (a), (b), and (c).

permanently or temporarily, he must surrender his copy of Form I–94, which is forwarded to the district office where the school is located. If it is definitely known that the student's departure is permanent, the file is closed and a notation to that effect is made on the duplicate Form I–94, which is then forwarded to the central office. If it is not definitely known that the student's departure is permanent, the duplicate is held in the district office for 6 months, and if no notice of readmission of the student is received, an investigation is made as to his whereabouts.[40]

Under the procedure established for an extension of the period of temporary stay, the student may file an application approximately 30 days before the expiration of the period of admission or extension thereof, with the district director having jurisdiction of his school. The district director's disposition of the application is final, but in no case may he grant an extension which would authorize the student to remain for a period of more than 4 years after arrival unless approval is granted by the Commissioner. So far as practicable, the district directors are instructed to notify each student of the impending expiration of his authorized stay. A record of any extension granted is made on the duplicate Form I–94.[41]

Transfers from one approved institution to another are permitted only upon the approval of the district director having jurisdiction over the school from which the transfer is desired. Application must be made 30 days before the desired transfer. A record of any transfer is made by endorsement on the duplicate form I–94, and if the transfer is permitted, the complete file of the student is forwarded to the district director having jurisdiction over the school to which the student transfers.[42]

The sole criterion for determining whether a student will be permitted to work for wages or for board or lodging is whether he has sufficient means to cover his necessary expenses. Application for permission to accept employment is made to the district director who may grant permission if he is satisfied that the student has insufficient means to cover his expenses and that the employment will not interfere with his required course of study. In order to facilitate vacation employment in the summer of 1949, the Immigration and Naturalization Service delegated authority to responsible school officials, to permit summer employment, provided that certification was made to the Service that the student needed the employment in order to meet necessary school expenses.

The district director may permit the student to engage in practical training for 6 months, subject to extensions of not over two additional 6-month periods, where such training is required or recommended by the school and, in the case of extensions, where certification is made by the school that the training cannot be accomplished in a shorter period of time.[43]

The regulations of the Immigration and Naturalization Service also provide for approval of institutions of learning and withdrawal of the approval. Among the conditions precedent to approval are that the school (1) has been established for at least 2 years preceding the

[40] 8 CFR 125.12 (d) and (e).
[41] 8 CFR 125.13.
[42] 8 CFR 125.14.
[43] 8 CFR 125.15.

date of the petition for approval; (2) is bona fide; (3) has the necessary facilities and is qualified for the instruction of alien students in recognized courses in the field of secondary education and qualifies graduates for acceptance to accredited colleges and institutions and in the field of higher education; and (4) is qualified for the instruction of alien students and confers recognized bachelor, master, doctor, professional or divinity degrees, or if it does not confer such degrees, its academic credits are recognized and transferable to an approved school.[44]

Approval is not granted unless the school by written agreement undertakes to report to the appropriate district director immediately upon the admission of an alien student (1) his name, age, and local address; (2) the name and address of a friend or relative of the student in the United States; (3) the date of admission of the student to the institution; (4) the course of study; and (5) the date of the students' termination of the course of study and the reasons therefor.

Under section 3 (2) of the Immigration Act of 1924, "an alien visiting the United States * * * temporarily for business or pleasure" is specifically excluded from the term "immigrant" and is, therefore, admissible as a nonimmigrant temporary visitor for such periods of time and under such conditions as may be prescribed by regulation.

Under the regulations of the Department of State, supplementing section 3 (2), a nonimmigrant temporary visitor's visa may be issued to an alien who cannot qualify for a student visa under section 4 (e) of the 1924 act. As a general rule, a student is to be issued a nonquota immigration visa under section 4 (e), if the alien is qualified, but in some cases, such as an alien who is under 15 years of age, the nonimmigrant temporary visitor's visa may be used. The temporary visitor's visa is not to be issued to a student who will be gainfully employed, or to an alien who fails to show that he has made definite arrangements to pursue a course of study in the United States, notwithstanding any language or financial difficulties.[45]

The regulations of the Immigration and Naturalization Service, governing the admission of visitors generally, contain provisions applicable to alien students who are admitted under section 3 (2).[46] The regulations provide that the period of admission shall be for a period of time appropriate for the visitor to accomplish the purpose of his temporary stay, but in no case to exceed 6 months, or 3 months if the visitor is sojourning in more than one district, or to extend beyond a date 60 days prior to the end of the period during which the visitor is eligible for readmission to some foreign country.[47] The conditions imposed upon an alien student seeking admission under section 3 (2) are, in substance, that he must seek to enter for a lawful purpose; he must agree not to pursue any employment unless specifically authorized; he must agree to leave the United States within his period of admission or any extension thereof and must establish that he has the ability to leave; he must not be subject to exclusion; he must agree to report his address to the Commissioner if he does not depart within 3 months of his admission and make a similar report at the expiration of each following 6-month period; and he must submit the required

[44] 8 CFR 125.17.
[45] 22 CFR 61.137.
[46] 8 CFR 119.
[47] 8 CFR 119.2.

documents of aliens entering the United States and post a bond of not less than $500 to insure his departure or compliance with the conditions of his admission if required.[48] Subject to the same time limitations applicable to the original admission, extensions of the temporary period of stay may be granted.[49] An alien student is subject to deportation for overstaying his temporary period of admission or for violating the conditions of his admission.[50] An application for an extension of the period of stay must be made to the district director of the district where the alien student is staying at least 30 days before the expiration date, and the district director makes the final decision. In any case where the district director authorizes alien student to stay in the United States for a period of more than 2 years, he must submit a report to the Commissioner. Upon denial of any application for extension, the district director must take appropriate action to enforce the alien student's departure.[51] The regulations require recording the arrival, departure, and readmission of such alien student.[52]

Under section 3 (1) of the 1924 act, "an accredited official of a foreign government recognized by the Government of the United States, his family, attendants, servants, and employees" are recognized as nonimmigrants. The visa regulations of the Department of State provide that an alien who comes to the United States for the purpose of study in an institution of learning may be classified as a nonimmigrant under section 3 (1) if he holds an official position in his government and is sent at the expense of his government. For visa purposes, he is classified as an "official student." [53] An accredited official of a foreign government includes any person holding an official position with a foreign government regardless of his rank.[54] Under the regulations of the Immigration and Naturalization Service such person shall be admitted without limitation of time and shall not be required to give bond.[55]

(2) Public Law 402

The United States Information and Educational Exchange Act of 1948, commonly referred to as the Smith-Mundt Act [56] authorizes the Secretary of State to provide for interchanges on a reciprocal basis between the United States and other countries of students in furtherance of the objectives of the act. The act classifies such students as nonimmigrant visitors for business, who are to be admitted into this country under section 3 (2) of the Immigration Act of 1924, for such time and under such conditions as may be prescribed by the Secretary of State and the Attorney General. Students who fail to maintain status, fail to depart upon the expiration of the period of admission, or engage in subversive activities shall be promptly deported pursuant to section 14 of the Immigration Act of 1924 under summary proceedings in which the findings of fact of the Attorney General shall be conclusive. Such students are not eligible for suspension of deportation under section 19 (c) (2) of the Immigration Act of 1917.

[48] 8 CFR 119.3.
[49] 8 CFR 119.4.
[50] 8 CFR 119.5.
[51] 8 CFR 119.12.
[52] 8 CFR 108.
[53] 22 CFR 61.126.
[54] 22 CFR 61.122.
[55] 8 CFR 110.29 (a).
[56] 62 Stat. 6.

(3) Public Law 774

Section 4 of the Displaced Persons Act of 1948 [57] provides for the adjustment of status of certain aliens. An alien who entered the United States prior to April 1, 1948, who is otherwise admissible under the immigration laws and who is a displaced person residing in the United States as a displaced person as defined for the purposes of section 4, may apply to the Attorney General for adjustment of status. A displaced person is defined as an alien who lawfully entered the United States as a nonimmigrant under section 3 or as a nonquota immigrant under section 4 (c) of the act of 1924; who is displaced from the country of his birth, or nationality, or of his last residence as a result of events subsequent to the outbreak of World War II; and who cannot return to any of such countries because of persecution or fear of persecution. If the Attorney General determines such an alien is qualified, he shall report all the facts to the Congress, and if the Congress during the session in which the report is submitted or prior to the end of the session next following, by concurrent resolution approves the granting of permanent-residence status, the Attorney General is authorized to record the admission of the alien for permanent residence. The number of aliens to be granted permanent-residence status under the adjustment of status provision is limited to 15,000. If such aliens would have been quota immigrants at the time of entry, provision is made for reduction of the immigration quota of the country of their nationality upon the grant of the status of permanent residence.

Under the regulations of the Displaced Persons Commission, certain students are permitted to enter as displaced persons. An assurance by an alien that he will, as his principal activity, attend regular sessions at a school and undertake studies appropriate to his age and prior scholastic attainment, if he is otherwise qualified as an eligible displaced person, is deemed by the Displaced Persons Commission to be an assurance that he will be suitably employed within the meaning of the Displaced Persons Act of 1948.[58] Thus, an alien student, subject to the limitations in the act, may be permitted to enter the United States as a displaced person.

(4) Philippine Rehabilitation Act of 1946

As a manifestation of good will toward the Filipino people and to assist in the rehabilitation of the Philippines, the Congress through the passage of the Philippine Rehabilitation Act of 1946 [59] authorized the expenditure of sums of money for carrying on certain training of a number of Filipinos in the United States in such programs as highway construction, harbor facilities, health services, and weather services. The act vests the supervising Government agency with discretionary authority in establishing the educational or other qualifications for Filipino aliens who may be sent for instruction. Filipinos are admitted into the United States upon certification to the Immigration and Naturalization Service, by the head of the agency under whose supervision the instruction is to be given. Compliance with the registration and fingerprinting requirements of the Alien Registration Act of 1940 is required but there is a waiver of the other requirements of the immigration laws with respect to these Filipino aliens.

[57] 62 Stat. 1009.
[58] 8 CFR 700.2.
[59] 60 Stat. 128.

Their privileged status ends within a reasonable time after the completion of the course of instruction. The act expires on June 30, 1950.

(5) General provisions

In addition to the specific provisions of the immigration laws applicable to the eligibility of alien students for admission into the United States, there are certain general provisions applicable to the entry and stay of aliens, which are equally applicable to students, unless they are singled out for preferential treatment under particular acts, such as Filipino students under the Philippine Rehabilitation Act of 1946. These general provisions are treated in more detail elsewhere, but generally the provisions of section 3 of the Immigration Act of 1917,[60] relating to the exclusion of certain classifications of aliens for such reasons as health, commission of crimes, political beliefs, and economic status, establish standards which alien students must meet. Moreover, alien students are subject to the deportation procedures under section 14 of the Immigration Act of 1924 [61] and are eligible for suspension of deportation pursuant to the provisions of section 19 (c) of the Immigration Act of 1917,[62] except students who enter pursuant to the Smith-Mundt Act. Alien students are also subject to the registration and fingerprinting provisions of the Alien Registration Act of 1940.[63]

b. Statistics

The available statistical data on alien students who have entered as nonquota immigrants under section 4 (c) of the Immigration Act of 1924 is complete from July 1, 1924, the effective date of the act, to fiscal year 1948. A total of 64,393 alien students have been admitted under section 4 (c) as nonquota immigrants since July 1, 1924.[64]

For statistical purposes, the Immigration and Naturalization Service considers an immigrant as an alien admitted for permanent residence and students under section 4 (c) are included in the tabulation of nonimmigrants although classified as nonquota immigrants under the 1924 act. During the fiscal year ended June 30, 1947, 366,305 aliens were admitted as nonimmigrants of whom 11,003 or approximately 3 percent were students. For the same fiscal year, a total of 513,597 aliens of all classes were admitted, exclusive of travelers between the continental United States and insular possessions, border crossers, and agricultural and railway track laborers admitted from Mexico.[65]

There were 26,759 foreign students enrolled for 1948–49 session.[66]

An indication of the growth in the enrollment of foreign students is shown by a survey of the registrars of schools presented by a representative of the Institute of International Education. From the academic year 1935–36 to the end of the academic year 1939–40, a total of 30,261 foreign students were enrolled in American schools, from the following areas: Europe, 7,178; Middle and Near East, 1,018; Far East, 11,952; Latin America, 4,034; Africa, 310; and

[60] 39 Stat. 874, 8 U. S. C. 136.
[61] 43 Stat. 153, 8 U. S. C. 214.
[62] 62 Stat. 1206.
[63] 54 Stat. 670, 673, 8 U. S. C. 451.
[64] See appendix XII, table 14, for a detailed break-down of students admitted by countries of origin.
[65] Immigration and Naturalization Service, Annual Report, 1947, p. 57.
[66] Education for One World (1949), published by the Institute of International Education, pp. 1–13, 36–39.

Canada, 5,769. Several reasons were advanced in explanation of the preponderance of foreign students from certain areas. One limiting factor is the high cost of living and transportation which means that only students of wealthy parents or those who receive financial aid find it possible to come to this country. Prior to the war, Europeans generally had the highest standard of living of the groups outside the United States and were able to send more students. Our educational system is similar to the European system which attracted American students to European universities, thus making reciprocal scholarships possible. The large number of foreign students from the Far East was attributed, in part, to the American influence in far eastern countries resulting in an influx of students seeking to acquire occidental skills.

From the academic year 1940–41 to the academic year 1944–45, enrollment of foreign students was 28,700 (the figures for the academic year 1941–42 include only students from Latin America). The areas of origin of the foreign students were as follows: Europe, 9,771; Near and Middle East, 746; Far East, 3,952; Latin America, 9,733; Africa, 185; and Canada, 4,321. This reflects the fact that during the war period Japanese students were no longer coming to this country and European universities were no longer available to Latin Americans.

In the short postwar period, including the academic years 1945–46, 1946–47, and 1947–48, a total of 41,796 foreign students were enrolled; 19,000 in the academic year 1947–48 alone. The total enrollment for this 3-year postwar period represents an increase of approximately 33 percent over the enrollment for the five prewar years. This substantial increase was attributed to the greater effort of American educational institutions to receive foreign students and to the destruction of schools abroad in the course of the war. The areas of origin of the foreign students during the postwar period were as follows: Europe, 10,877; Near and Middle East, 4,344; Far East, 6,874; Latin America, 11,607; Africa, 433; and Canada, 7,661.

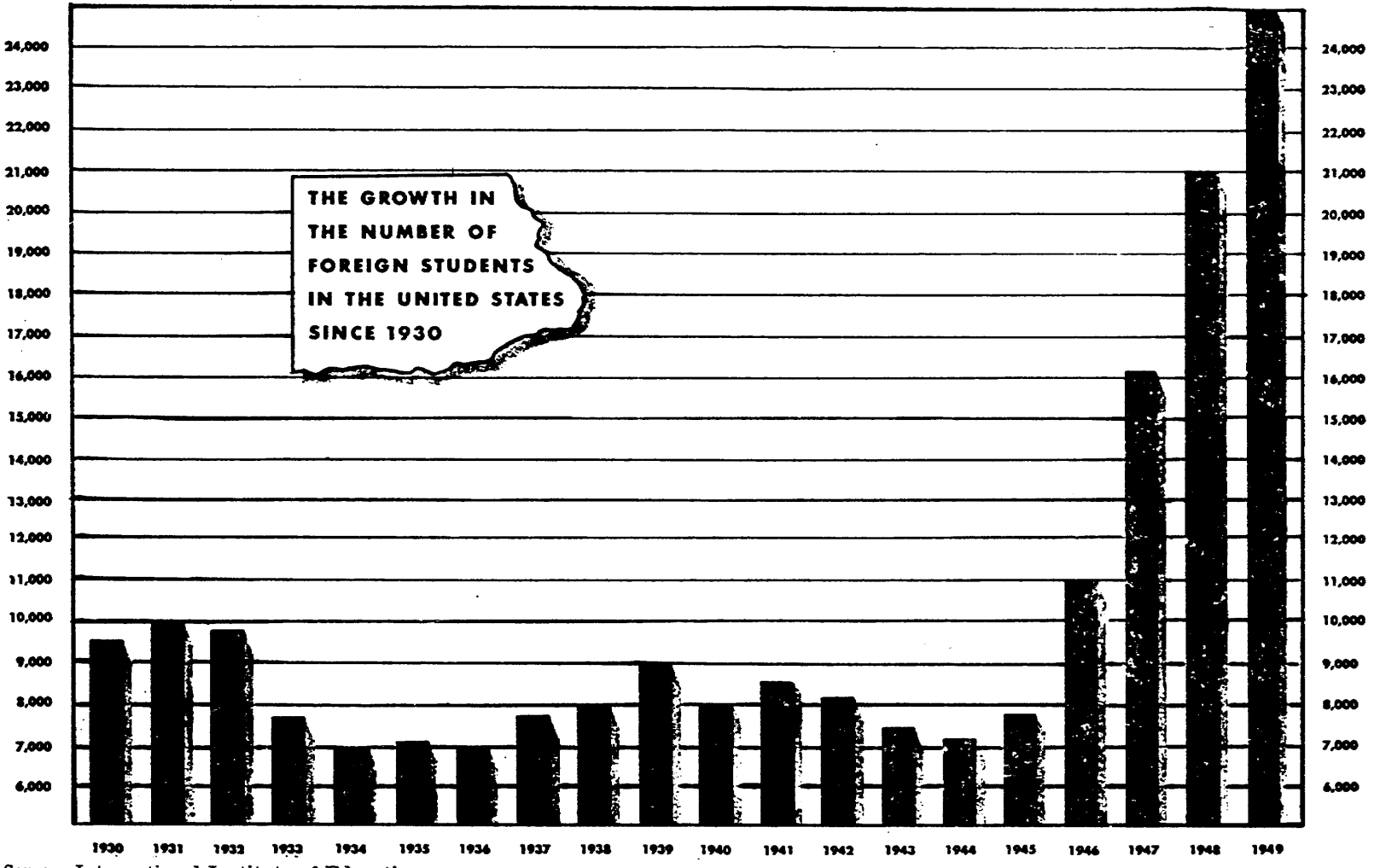
The graph published by Institute of International Education, which appears on page 488 illustrates clearly the growth of our foreign student population, particularly the tremendous upsurge in the postwar period. The percentages of the foreign students from the various areas of origin of the total foreign student population are as follows: Europe, 16 percent, Canada and Newfoundland, 16.5 percent; United States and Territories, 0.6 percent; Latin America, 26.4 percent; Africa, 3.5 percent; Asia (including Near and Far East and South Pacific areas) 35.6 percent; undesignated, 1.4 percent.[67]

There has been a decided change in the pattern of origin of foreign students, particularly in the postwar period. The number entering from Europe has decreased, whereas the number from Latin America has increased substantially. The number from Asia and the Near East remains the largest group.[68]

The great bulk of the students entering under the programs of the Department of State at present are from the Western Hemisphere. A few fellowships were awarded under the President's emergency fund during the war to students from the Eastern Hemisphere, but it was estimated that there were not more than 60 of them in the United States

[67] Ibid., table 3.
[68] See appendix XII, table 15., p. 898.

FIGURE 4



Source: International Institute of Education.

The growth of the foreign student population in the United States 1930–49.

as of July 1948. An official of the Department of State observed that there are more full-time foreign students in this country than there are American students in foreign countries, due to the fact that many foreign schools are not available to American students and some of the foreign schools that are available are below the standards of American schools as a result of the war.

There are no reliable statistics available on the number of students who have been admitted on temporary visitors' visas under section 3 (2) of the act of 1924. Some indication of the use of temporary visitor visas for students is given by the statement of a consular official before the subcommittee that, in the quota year 1947, visas were issued to 643 Cuban students under section 4 (e) and an estimated 300 temporary visitor visas were issued under section 3 (2) to Cuban students who could not qualify under section 4 (e). In 1948, 754 visas were issued to Cuban students under section 4 (e), and an estimated 300 visas were issued to Cuban students under section 3 (2).

There are no reliable records of students who have overstayed the period for which they were admitted or otherwise violated their temporary status. An official of the Immigration and Naturalization Service stated at the hearings of the subcommittee that, at the end of June 1948, there were 40,949 visitors whose departure had not been verified, 2,616 of whom were students. It should be noted, however, that a verification of the departures might reveal no violation of the temporary student status.[69]

Some indication of the extent of the desire of foreign students to obtain an adjustment of their status to that of permanent resident after entering this country may be observed from a cross section of the suspension of deportation cases under section 19 (c) (2) of the Immigration Act of 1917. Out of a total of 867 suspension of deportation cases selected at random, 23 involved students.

The Attorney General has approved approximately 3,100 institutions of learning which students may attend under section 4 (e) of the act of 1924, including colleges, universities, seminaries, high schools, trade, industrial, and specialty schools.[70]

c. Student exchange programs

(1) Introduction

The situations of the foreign student under the immigration laws should be viewed against the background of the various programs to promote the exchange of students. Many private organizations, such as the Institute of International Education, the American Scandinavian Society, and the American Association of University Women, as well as our Government and educational institutions, are actively engaged in sponsoring the exchange of students between the United States and the rest of the world. While this interchange has provided a means for the mutual exchange of cultural ideas among the nations of the world, a representative of the Institute of International Education stated that the two primary objectives of the student-exchange programs at this time are to (1) provide academic training of the foreign student to permit him to assist in the rebuilding of his country and (2) spread an understanding of the United States among foreign countries.

[69] The number of foreign students under sec. 4 (e) who have been referred for investigation for failure to depart from March 1948 to February 1949 is given in appendix XII, table 16, p. 898.

[70] Ada S. Griffin, the Revised Regulations for Nonquota Students, Immigration and Naturalization Service, Monthly Review, September 1947, p. 38.

The objective of our program of promoting the exchange of foreign students may be found in section 2 of the United States Information and Educational Exchange Act of 1948 which provides:

> The Congress hereby declares that the objectives of the Act are to enable the Government of the United States to promote a better understanding of the United States in other countries, and to increase mutual understanding between the United States and the people of other countries * * *.[71]

(2) Government-sponsored programs

(a) Development

The inclusion of the promotion of the interchange of students in United States foreign policy is evidenced by the inauguration through legislative enactment of various interchange programs under governmental sponsorship. From the testimony it appears that the systematic interest of the Department of State in interchange of students began in 1936 when the United States introduced a Convention for the Promotion of Cultural Relations between the American Nations at the Conference of American Nations at Buenos Aires. The Convention was subsequently ratified by most of the American Republics, including the United States. It was on the basis of this action that a Division of Cultural Relations was organized within the Department of State in 1938. The milestones in the development of the interchange of students under governmental sponsorship are:

1. The Act for Cooperation with Other American Republics [72] provided for the interchange of persons of knowledge in keeping with the general objectives of United States foreign policy.

2. Public Law 63 of the Seventy-sixth Congress authorized our Government to lend to other governments specialists and experts employed by the United States. This law contributed materially to the interchange of persons for academic purposes.[73]

3. The Fulbright Act [74] authorized the Secretary of State to enter into agreements with other nations under which certain educational activities could be supported from credits derived from the sale of surplus properties in foreign countries. So far as foreign students coming to this country are concerned, the authority is limited to the payment of transportation expenses of such students.

4. The United States Information and Educational Exchange Act of 1948 [75] authorized the Secretary of State to provide for interchanges of students between the United States and other countries of the world on a reciprocal basis, as a means of promoting a better understanding between the people of the United States and people of other countries. This act is now the chief legislation governing student exchanges fostered by this Government.

Since its establishment in 1938, the Division of Cultural Relations has expanded considerably in carrying on various phases of the activities under these acts of Congress and has gone through several reorganizations. It has been known successively as the Division of Science, Education and Art, the Division of Cultural Cooperation, and since 1946, it has been a part of the Office of International Information and Cultural Affairs of the Department. In line with Public

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[71] 62 Stat. 6.
[72] 53 Stat. 1290.
[73] Public Law 63, 76th Cong., 53 Stat. 652, was repealed by Public Law 402, 80th Cong., 62 Stat. 6.
[74] 60 Stat. 754.
[75] 62 Stat. 6.

Law 402 of the Eightieth Congress, establishing an information service and an educational exchange service, the Office of International Information and Cultural Affairs was divided into the Office of International Information and the Office of Educational Exchange. Within the Office of Educational Exchange, there is a Division of Exchange of Persons concerned with educational exchanges involving the interchange of persons between the United States and foreign countries.

The Division of Exchange of Persons operates under Public Law 402 since its budget is authorized under that law, but no funds were appropriated for the direct financing of exchanges of students until passage of the Department of State Appropriation Act of 1950.[76] So far as grants for students exchanges are concerned, the Division previously operated under the Act for Cooperation with Other American Republics and under the Fulbright Act. The Division is also concerned with several minor exchange programs under the Philippine Rehabilitation Act of 1946, the general authorization of the Maritime Commission to bring a limited number of foreign students each year for training at Kings Point, the aid-to-Greece legislation, and the President's emergency fund during the last war.

An official of the Department of State stated that the responsibility of the Division of Exchange of Persons is predicated on the assumption that the interchange of students should be promoted in every way possible. In some instances, definite projects are financed, in whole or in part, by the United States Government. In most instances the promotion of the interchanges is, however, a matter of the Division cooperating with private organizations in the United States, and with governments or private organizations in other countries engaged in programs of interchanges of students. In this connection, section 201 of Public Law 402 requires that the Secretary of State shall make maximum use of private organizations in carrying out the general objections of the law.

In addition some alien students are presently being brought into this country from occupied areas, principally Germany and Austria, through arrangement with the civil administration in those areas pursuant to Public Law 793 of the Eightieth Congress, which made available certain funds, to the Department of the Army for expenses necessary to meet the responsibilities and obligations of the United States in connection with the government or occupation of certain foreign areas. Included is the authorization to use certain funds for the payment of tuition, personal allowances, travel expenses, and fees incident to instruction in the United States of persons required to carry out the provisions of the appropriation. In April 1949, there were about 300 students in this country from Germany and Austria and about 100 from Japan. The program is arranged through cooperation with the Institute of International Education and students are attending recognized schools under the sponsorship of individuals or of various church organizations.

A small number of alien students from the other American Republics and Canada also receive instruction at the United States Naval and Military Academies. The Secretaries of the Navy and the Army are authorized to permit, upon designation of the President, a maximum of 20 persons at one time to receive instruction at each of the academies.[77]

[76] Public Law 179, 81st Cong., 6 U. S. Code Cong. Serv. 1400 (1949).
[77] 55 Stat. 589 and 60 Stat. 311, as amended by 62 Stat. 279.

(b) Smith-Mundt program

While there are various programs designed to foster the interchange of students between this country and other nations of the world, the provisions of Public Law 402 of the Eightieth Congress will apparently play the major role in shaping the Government sponsorship of the interchange in the future. Since the appropriations for student exchanges on a world-wide basis are made under Public Law 402, that law in effect supersedes the act for cooperation with other American Republics. The over-all objectives of Public Law 402 are to enable the Government to promote a better understanding of the United States in other countries and to increase mutual understanding between the people of the United States and the people of other countries. As one of the means of attaining those objectives, the Secretary of the State is authorized to provide for interchanges of students on a reciprocal basis with other countries. The Secretary of State is directed to use the services of existing reputable agencies engaged in such interchange and is authorized to provide orientation courses and other appropriate services for foreign students in the United States. The Secretary is authorized to terminate or limit such interchange, to the extent he deems to be advisable in the interests of the United States, with respect to any country which fails to cooperate on a basis of reciprocity.

One of the major differences between the interchange program established by Public Law 402 and the other programs is that exchange students are to be admitted as nonimmigrant visitors under section 3 (2) of the Immigration Act of 1924. On the other hand students who do not receive any financial assistance from the United States Government, which was true in the case of the majority of the estimated 20,000 foreign students in this country in July 1948, would not enter under Public Law 402 but would enter as nonquota immigrants under section 4 (e). Public Law 402 contains no requirement that some form of assistance other than United States aid must be first given before United States aid is forthcoming, as is the case under the program for cooperation with other American Republics. Students who enter under Public Law 402 of the Eightieth Congress are not eligible for suspension of deportation under the provisions of section 19 (c) (2) of the Immigration Act of 1917.

The Department of State Appropriation Act of 1950 makes available funds for carrying out the student exchange program as contemplated under Public Law 402. This will apparently permit a modest extension of the program to other areas of the world similar to the program previously in effect under the act for cooperation with other American Republics. The subcommittee has been informed that in the case of students from areas other than from Latin America, the funds will be used largely to supplement travel grants where there are agreements in effect under the Fulbright Act, and the number of students who will receive such travel grants will be relatively few. It does not appear that under the Smith-Mundt program it is contemplated that the entry of foreign students on their own initiative will be eliminated, but that foreign students will continue to be encouraged to come, using as much non-Government money as possible.

In addition to the regular appropriation for Smith-Mundt activities, the Congress directed that any future payments by Finland on its World War I debt be used, among other things, to provide educational

and technical training in the United States for citizens of Finland. The program is to be carried out by the Secretary of State in accordance with the applicable provisions of Public Law 402.[78]

(3) Participation in exchange programs by other countries

Since one of the underlying purposes of the student interchange programs is the engendering of a greater mutual understanding between the people of the United States and the people of other nations of the world, it is important to note to what extent other nations are granting reciprocal benefits to American students. Reciprocity is contemplated as an integral part of the exchange programs of the United States in section 201 of Public Law 402, which allows the Secretary of State to terminate or limit the program with respect to any country which fails to cooperate on a reciprocal basis. An official of the Department of State testified that other countries do contribute to the financing of students from this country on a reciprocal basis. This is true of exchanges under the Convention for the Promotion of Inter-American Cultural Relations, in which provision is made for the sharing of expenses in the exchange of students between the United States and the other signatory American Republics. Latin-American countries are actually spending more on interchanges of students than is the United States. He stated further that scholarships for American students are also offered by England. A representative of the Institute of International Education stated that there are scholarship programs in Switzerland, France, Czechoslovakia, Poland to some extent, and possibly Italy under which assistance is available to United States students desiring to attend schools in those countries.

(4) Status of exchange students

From the testimony before the subcommittee, there appears to be almost complete unanimity of opinion that foreign students entering the United States under the exchange programs should be admitted only on a temporary basis with no privilege of becoming permanent residents. Otherwise the purposes of the exchange program to assist in the rebuilding of war-devastated foreign countries and to spread an understanding of democratic ideologies of the United States among the other nations of the world would be defeated. That it is not the intent to permit foreign students to remain in this country is made evident by the provision in section 201 of Public Law 402 that such students who receive assistance under the Government-financed program are not eligible for suspension of deportation under the provisions of section 19 (c) (2) of the act of 1917.

(5) Under sponsorship of private organizations

In addition to the active sponsorship by government, many private organizations are engaged in fostering student interchange.

The Institute of International Education, which was incorporated in 1919, has as its purpose the fostering of the exchange of students and educational personnel between the United States and the rest of the world. The organization operates on grants, donations from corporations, and fees from the United States Government for assisting in the Government programs.

[78] S. J. Res. 3; Public Law 265, 81st Cong., 7 U. S. Code Cong. Serv. 2154 (1949).

Another organization represented before the subcommittee was the National Association of Foreign Student Advisers which was formally organized in 1948, but which has been meeting informally over a period of 9 years under the auspices of the Institute of International Education. The organization is composed of persons advising foreign students in universities and colleges all over the United States. The assistance provided to foreign students by institutions of learning was stated to amount to approximately $1,000,000 a year. The organization's interest in the immigration laws is primarily to facilitate the exchange of students so as to permit the use of that assistance most effectively in the exchange programs.

The American Scandinavian Foundation, which was represented before the subcommittee, is a bi-national organization which promotes exchange of students between Scandinavian countries and the United States. The organization, established in 1911 under an endowment, has since been supported entirely by private donations. It cooperates with affiliated but independent organizations in Denmark, Sweden, Norway, and Iceland. The students assisted by the foundation consist of two classes: (1) Fellows who are awarded financial assistance; and (2) honorary fellows who receive no direct financial assistance but are assisted in obtaining scholarships. The students are further classified as to those who attend school on the same basis as any other graduate or undergraduate and those known as field students, who come to study some particular branch of science or learning and spend short periods of time in particular centers of interest. Other organizations of this type are the Belgian-American Foundation, the Masaryk Institute (Czechoslovakia), and the Netherlands-American Foundation.

In addition, there are various other civic and national organizations which have been assisting foreign students for several years, such as the Rotary International, American Association of University Women, General Federation of Women's Clubs, Quota Club, American Field Service, and the American Friends Service Committee.[79]

A representative of the Institute of International Education described a typical procedure followed by a foreign student desirous of coming to school in the United States on the basis of the practice under the program for cooperation with other American Republics. The student applies to a screening committee set up by the organization in his own country, including a representative from the American Embassy, usually the cultural relations attaché. After the preliminary screening, the application is sent to the Department of State in Washington which forwards it to the Institute of International Education. That organization, which works with the Department of State under contract, consolidates the applications to determine demand, and after consultation with professional organizations in the various fields on the most appropriate school for the applicant, the application is then sent to the designated school, which decides whether the applicant can be accepted and what assistance it will give. The institute then recommends to the Department of State that the student is eligible for assistance from the United States.

[79] An extensive list of voluntary organizations participating in student exchanges may be found in the publication One Road to Peace, prepared for the Office of Educational Exchange, Department of State, by the Institute of International Education (1949).

d. Practices and problems relating to admission of alien students

(1) Congressional policies

In approaching the question of the admission of foreign students into this country it is to be borne in mind that there are two congressional policies involved: (1) The policy of strict control on the entry of foreign students as expressed in the immigration laws, and (2) the definite policy expressed in various acts of the Congress to promote interchanges of students for the purpose of spreading a better understanding of this country. Since adherence to both policies is deemed to be in the public interest, it is apparent that the administration of one must not defeat the purposes of the others.

Testimony by an official of the Department of State clearly demonstrates a recognition of the importance of giving weight to both policies in the consideration of the alien student problem.

And, commenting on the question whether the controls on admission of aliens should be made more restrictive in view of the increased number of persons attempting to come to this country or whether some controls should be relaxed and others tightened to permit admission on a selective basis, it was stated by this same official:

> I think the problem, as we see it, is on another plane. It is rather a problem of how you can effectively control the entry of foreigners into the United States in general, and within that general framework, how you can effectively promote these other objectives, namely, the interchange of students, scholars, professors, and so on, insofar as that interchange does contribute toward the good will of the United States and greater understanding between the United States and foreign countries.

While the two policies are not irreconcilable, the realm of conflict in their administration was brought out in the testimony of a representative of the Institute of International Education:

> We are all trying to do our jobs as best we know how. This is true of the Department of State, the Immigration and Naturalization Service, the educational institutions, and the interested organizations. Our trouble seems to arise when we have conflicting interpretations of our own and each others responsibilities. * * *
>
> I repeat, that the solution to the problem is to be found through a flexibility of mind, a positive, new, modern, realistic approach to a small but extremely important part of our immigration laws and regulations.
>
> We live in a different era than that which prompted our immigration laws. We can no longer discuss the relative merits of the isolationists versus the internationalist approach. This country is the leader of the world, whether we like it or not. We have more to lose than any other country. We need friends.
>
> Let's make friends, the kind of friends who remain friends because they understand us.

(2) Control of the admission of alien students

As has already been pointed out, there are two areas of control on the admission of alien students. First, the applicant must obtain a visa from one of our consular offices and to be eligible for a visa he must meet the requirements of the applicable regulations of the Department of State. Second, after arrival at a port of entry, his admission and the conditions of his stay are subject to the immigration laws and regulations of the Immigration and Naturalization Service. Much of the testimony before the subcommittee dealt with the effectiveness of the controls of alien students.

(a) Visas issued to alien students

At the present time, alien students are being admitted for temporary periods of stay under various types of visas. A foreign student may

enter as a nonquota immigrant under section 4 (e) of the Immigration Act of 1924, he may enter as a nonimmigrant under section 3 (2), as a temporary visitor, or as a government official under section 3 (1). Alien students embraced by Public Law 402 of the Eightieth Congress are admitted under section 3 (2) and under the Philippine Rehabilitation Act of 1946 students may be admitted without reference to the immigration laws although they are treated as though they had been admitted under section 3 (2).

There is considerable difference between the eligibility qualifications for a nonquota immigration visa issued to a student under section 4 (e) and the eligibility qualifications for a nonimmigrant visa issued to a student under section 3 (2). To qualify under section 4 (e), the alien student must be at least 15 years of age and have been accepted by an approved educational institution in this country. To qualify under section 3 (2), the alien student applies as a visitor and his status as a student is incidental. Thus, under a section 4 (e) visa the alien is predominantly a student, while under a section 3 (2) visa he is predominantly a visitor and incidentally a student. The explanation advanced by an immigration official as to why some students are admitted under section 3 (2) visas was that the student (1) is privileged to indicate the type of visa he wants and he may not choose to apply for a visa under section 4 (e) although he may be qualified; (2) may not be going to an approved school; (3) may not be at least 15 years of age; and (4) may not be taking a full course of study as required under section 4 (e). The chief difficulty in the use of visas under section 3 (2) was said to arise from the fact that there is no differentiation between the student visitor and any other class of temporary visitor.

Unlike aliens admitted as quota or nonquota immigrants, alien students admitted under section 4 (e) are not admitted for permanent residence, but definitely have a temporary status after admission into this country and in that respect are treated the same as any other nonimmigrant admitted for a temporary stay under section 3 of the 1924 act.

The explanation for this treatment of section 4 (e) students, advanced by an official of the Department of State, was that the Congress classified such students as nonquota immigrants so that they would be subject to all the immigration laws applicable to immigrants. It was his conclusion that originally the theory was that aliens who came to study for a period of years might settle down and acquire families, and because of their educational training, become desirable residents and potential citizens. Accordingly, if there existed any reason why they would not be eligible to remain permanently this should be determined at the time of admission and they were, therefore, subjected to all the requirements applicable to immigrants.

In view of the fact, however, that students under section 4 (e) are treated as nonimmigrants under the immigration procedures and are not recognized as eligible for citizenship, it was the opinion of those who testified that students should be removed from the classification of nonquota immigrants under section 4 (e) and placed in the classification of nonimmigrants, admissible under section 3. An investigator of the Immigration and Naturalization Service pointed out that the present classification of some students as nonimmigrants should be regarded in assessing fines against transportation com-

panies whose liability for bringing in excludable aliens varies according to the class of aliens brought in. An official of the Visa Division of the Department of State and various consular officials joined in the recommendation that all students be placed in the nonimmigrant classification. One consular official pointed out that a tourist from a country with which we have a reciprocal agreement may enter for 12 months and have his passport stamped without inconvenience or payment of a fee, while a section 4 (e) student of the same nationality entering to study must pay a fee and must go through the same procedures applicable to immigrants, including a medical examination, presentation of a birth certificate, police certificates, and similar procedures. It was suggested that all students be given a special classification as nonimmigrants under which they would still be required to present evidence of acceptance by a school and the school would be required to report certain information to the immigration authorities.

(*b*) *Fraudulent entry and violation of status*

The fact that some aliens take advantage of the provisions of the immigration laws relating to the temporary admission of bona fide students to gain entry into this country with the preconceived intention of acquiring permanent residence is a problem that cannot be overlooked nor should it be minimized. It has been estimated that there were between 20,000 and 22,000 foreign students in this country in the summer of 1948 who had been admitted under section 4 (e).

There has been a progressive increase in the number of foreign students entering.[80] After the student-exchange program under Public Law 402 of the Eightieth Congress is set into operation there will probably be a substantial increase in the number of foreign students entering this country.

The testimony received by the subcommittee does not conclusively answer these questions of whether aliens in this category come in as bona fide students or with the idea of establishing permanent residence, but it does furnish an indication of the extent of the problem. An official of the Visa Division of the Department of State stated that the percentage of persons entering under section 4 (e) who are not bona fide students is probably small due to the strict examining procedures in our consulates. Another official stated that there is a serious problem with some of the student cases, since it is possible for a student by means of approved extensions to pursue a course of study for years, and it is almost impossible to have a definite guaranty that he will be able to enter some foreign country thereafter. The student is required to leave upon the completion of his studies, and the consul issuing the visa would have to rely on the good faith of the applicant in keeping his travel documents alive and valid.

In testifying at the hearings on the Department of Justice appropriation bill for 1949 before a subcommittee on appropriations of the House of Representatives, the Commissioner of the Immigration and Naturalization Service stated that he was concerned over the large influx of students in recent years and that there was some question as to whether they are bona fide. Another official testified at the hearings that of the approximately 22,000 students in this country under section 4 (e) as of July 13, 1948, there were 565 cases under

[80] See appendix XII, table 14, p. 894.

investigation, because of doubt as to their bona fides. He added that he had seen quite a few deportation cases where the student, after completion of his studies, obtained an attractive job or acquired family ties and attempted to remain in this country.

Statements made by other personnel of the district offices of the Immigration and Naturalization Service were generally to the effect that there is no serious student problem although some cases of violations do arise from time to time.

An officer in the Detroit district stated that, while there is no serious problem with respect to students at that port of entry, since most entrants are Canadians, there are some students from Europe and Asia who enter through east-coast ports but are not qualified to carry a full course of study, and in many cases, aliens claim student status merely as a subterfuge for gaining entry into the United States.

An enforcement officer in the Philadelphia district pointed out that his office is confronted with situations of marriage of alien students to citizens or birth of children to an alien student couple subsequent to entry. He was convinced that some of these situations are planned in advance with the view of applying for suspension of deportation and acquisition of permanent-resident status which could not otherwise be acquired because of oversubscribed quotas.

An officer of the Immigration and Naturalization Service, of the New York District, stated that there is much subterfuge in the use of student visas. He cited the case of one group of seven sisters, ranging in age from about 18 to 34, all of whom had 4 (e) visas. It was his opinion that they were, without doubt, not students. He stated that there were large numbers of similar cases, particularly from the Balkan areas, where the nonpreference quotas are exhausted and persons succeed in obtaining 4 (e) visas to obtain entry with the view of establishing permanent status. The officer told the subcommittee that, although many of these cases are noted, they are not excluded because the applicants are granted admission on appeal. Similar testimony was offered by another New York officer, who stated:

> I think that in the issuance of student visas there is greater subterfuge and greater evasion of the immigration laws than can be conceived. There have been thousands of 4 (e) student visas issued, and those people were coming here to go to school. But it was only a subterfuge to add up time and for no other purpose. They have come in as students at the age of 40.
>
> Of course, you could be a student at the age of 40, but they were never students and you can't sustain an exclusion on them.

A representative of the Institute of International Education gave the following reasons for believing that aliens were not entering this country fraudulently as students: The shortage of physical plants and faculties imposes a limitation on the number of students whom schools in the United States can accommodate; preference is given, in many cases, to citizens of the State, out-of-State veterans, out-of-State citizens, and foreign students, in that order; this makes it difficult for a foreign student to obtain evidence of admission to the school upon which his student status is dependent; the lack of dollar exchange acts as a deterrent to the number of foreign students who can enter the country; a majority of the foreign students are financed by their parents, and this indicates that students with roots firmly established abroad are coming here to study, and have, therefore, strong reasons for returning.

Testimony was received from a representative of the Department of State that consular officials, in an effort to determine whether or not a student is bona fide, require a certificate of admission from the school the student proposes to attend, a showing of sufficient scholastic and linguistic background to permit the carrying of a full course, evidence of a bona fide intention to proceed to some other country upon the completion of his studies and, in the case of nonquota immigrants, that the alien can qualify for admission under the immigration laws. He stated that the Department of State maintains strict control over Government-financed students through a clearance procedure, control of the student's funds, discouragement of those who desire to stay, and a scholarship-selection committee which carefully examines the character and background of all applicants. Under the Government-sponsored programs, the embassy in the foreign country is notified of the grants, and the press is notified that applications for the assistance of prospective students will be received; the application requires complete and detailed information; the applicant is interviewed before a recommendation is made. As a result of this procedure, the students coming under the programs have been of very high caliber. He contended that it would be seldom that the foreign student would have been influenced to enter this country by relatives in this country, because, if the initiative came from relatives, it would place the student applying for a visa under suspicion and the screening by the consul would be sufficient to detect any fraudulent intent.

In addition to screening by the consular officials, the Institute of International Education also screens the prospective students. That organization has selection committees all over the world, and the students sponsored through it must get the approval of the committees. If approved, the students must compete for the assistance offered, and the assistance is awarded to the best of those competing.

The chief difficulty in enforcement of the immigration laws arises from the fact that there is insufficient manpower in the Immigration and Naturalization Service to check on the maintenance of temporary status of all the nonimmigrants. That the Service is aware of the need for checking upon the activities of the students is shown by this statement of the Commissioner:

> We have 22,000 or 24,000 students in this country under section 4, and we ought to keep better track as to what they are doing and how they are proceeding with the enterprise which brought them to our shores.

As previously noted, the Immigration and Naturalization Service, in July 1948, had approximately 565 cases of students under investigation for possible fraudulent intent. There was testimony by an official of the Service that at the end of June 1948 there were 40,949 visitors in this country whose departure had not been verified, including 2,616 students. A district officer of the Service stated that, in addition to ascertaining whether the student is destined to an accredited school at the time of admission, a check is made upon applications for extension to determine whether the student is maintaining his status.

An investigator in the Kansas City district testified that there is a rather common situation in that district where a number of students have visas under section 3 (1) of the Immigration Act of 1924 as government officials, and that, under those visas, aliens are admitted without any time limit; as long as they maintain status as government

officials, there is little that can be done about checking on their student activities.

A foreign student adviser in one institution of learning stated that the Immigration and Naturalization Service pursued the following practices: (1) A tendency to inquire increasingly into what is meant by a full course of study and to define such a course in rigid terms; (2) to recognize financial need as the one justification for employment; (3) to disregard the source of funds and to define work as anything the student does for which he receives funds; (4) to regard any plea of a school to use student personnel, because of the shortage of skilled personnel, as without merit in the absence of financial need; (5) to regard any request by a student for permission to change schools with misgiving for the reason that it is an imposition on the Immigration Service; (6) to regard a request for a change of status as canceling a student's rights under his present status; and (7) to formulate policies in terms of a rigid pattern of behavior instead of recognizing that a wide number of valid differences exist in the interpretation of student responsibilities under the immigration laws.

Without attempting to evaluate the merit of these practices, if in fact they are representative of the policy of the Immigration and Naturalization Service, they are indicative of the interest and policies of the Service to assure maintenance of the student's temporary status.

(c) *Entry of subversives as students* [81]

A representative of the Institute of International Education stated that there have been very few students from areas behind the iron curtain, but that until the Communist seizure of the Government of Czechoslovakia some students had been coming from that country. He pointed out that, while it is the policy of the Institute to assist all students insofar as they can meet the requirements of the immigration laws, Communists are excluded under the immigration laws.

He reported that for the 1947–48 school year there were 50 students from Russia, 40 from Yugoslavia, 24 from Rumania, and 256 from Poland in this country. The information was gathered from cards showing the student's country of birth, which was not necessarily the country from whence he came. It was also pointed out that a secretary at the Soviet Embassy had stated that there were no students from the U. S. S. R. in this country.

A witness who is attached to the United Nations testified in executive session that under the "international fellowship" programs, administered by the United Nations and other international organizations, a surprising number of the fellowships are granted to persons from the iron-curtain countries as compared to the number granted to persons from the democracies. Such persons are brought in under special provisions of the law applicable to representatives of international organizations. In support of his assertion, the witness pointed out that, according to an official report as of January 1949 on the "international fellowship" program, the fellowships were distributed among recipients in the iron-curtain countries as follows: 4 in Albania, granted by United Nations; 30 in Bulgaria, granted by the International Children's Emergency Fund; 130 in Czechoslovakia, of which 23 were granted by United Nations, 56 by the World Health Organization, and 22 by UNESCO; 81 in Hungary; 166 in Poland;

[81] For detailed treatment of the problem of subversives under the immigration laws, see pt. 3.

and 105 in Yugoslavia. Among the democratic countries the fellowships were distributed as follows: 6 in Belgium, 13 in Denmark, 33 in France, 73 in Italy, and 18 in India.

The witness stated that the fellowships afford subversives an opportunity to enter the United States and go around unmolested. He added that many persons from behind the iron curtain to whom the fellowships have been granted were not young students, but experienced specialists coming to this country to learn new processes. For example, one of the high Communist officials in the Czechoslovakian Ministry of Labor was said to be here under the pretext of studying employment services, and a representative of the Czechoslovakian Ministry of Education in this country was terrorizing the Czech students with threats against their families if they do not follow her instructions. The witness placed in the record a copy of the official United Nations record of the international fellowships awarded in 1947 and 1948, which is as follows:

TABLE 1.—*International fellowships awarded in 1947 and 1948, distributed by the recipient countries*

Recipient countries	Number of fellowships awarded					
	UN	WHO	UNESCO	UNICEF	FAO	Total
Albania	4					4
Austria	16	14	15	21	2	68
Belgium			6			6
British colonial territories			9			9
Bulgaria				30		30
Chile	3					3
China	24	123	20	1		168
Czechoslovakia	23	56	22	27	2	130
Denmark			13			13
Ecuador	3					3
Finland	12	23		19		55
France			8	25		33
Greece	26	6	22	24	2	80
Haiti	2					2
Hungary	12	19	16	32	2	81
India	15		3			18
Italy	9	12	17	33	2	73
Korea		5				5
Lebanon	5					5
Luxemburg			2			2
Netherlands	4		16			20
Norway	1		15			16
Philippine Republic	24	3	12			39
Poland	26	71	27	40	2	166
Venezuela			1			1
Yugoslavia	16	65		22	2	105
Total	226	397	224	274	14	1,135

The United States Advisory Commission on Educational Exchange, appointed pursuant to Public Law 402 of the Eightieth Congress, made certain recommendations on the entry of alien students in its first semiannual report to the Congress. It recommended that, with appropriate safeguards against subversive activities, all steps be taken to keep the door open to unofficial exchanges with the countries of eastern Europe. The Commission did not recommend that the United States sponsor government-supported exchanges with the countries of eastern Europe, since Public Law 402 requires that such exchanges must be on a reciprocal basis and the countries of eastern Europe are unwilling to reciprocate. In accepting the recommenda-

tion, the Department of State pointed out that aliens who are deemed subversive, or who are or have been members of subversive organizations, are considered inadmissible into the United States, and proper safeguards will be enforced to guarantee that alien students with subversive intentions are not admitted.[82]

(3) Problems of alien students under immigration laws

Much of the testimony before the subcommittee dealt with particular problems encountered by those assisting foreign students in connection with the administration of the immigration laws and regulations. Persons working with the foreign students stated that the chief difficulty stems from the lack of sufficient flexibility in the immigration regulations to take care of individual cases which require some form of special treatment to avoid unnecessary hardship.

The proponents of more liberal treatment of the foreign student assert that the present regulations are somewhat unrealistic, and in many cases restrict the student academically and restrict his economic freedom. The hypothetical case of two graduate students who may be doing advanced research was cited. One may be required to attend lectures and would accordingly be classified as a student. The other may not be required to attend lectures and would not be classified as a student. As an indication of the economic restriction, it was pointed out the requirement that the student must study full time is unrealistic, since some students must work half time to be able to study half time.

The advocates of more liberal regulations do not minimize the difficulties faced by the Immigration and Naturalization Service in enforcing the immigration laws. Any friction between those who foster the student exchanges and the immigration authorities was attributed to some extent to misconception of the laws and regulations among the different offices of the Service and to a few unnecessarily restrictive laws and regulations, but primarily to unnecessary delays due apparently to a shortage of manpower.

It was suggested that many of the problems of control of foreign students could be solved by the delegation of some of the authority over the control of the foreign students to educational institutions. It was pointed out that every institution on the approved list of the Attorney General for training foreign students under section 4 (c) must designate an officer with whom the Immigration and Naturalization Service may correspond with respect to foreign students and that this officer could be assigned certain responsibilities in determining whether the foreign student maintains a temporary status, subject to the approval or denial of the Immigration and Naturalization Service.

The subcommittee received a statement from Donald C. Kerr, chairman, committee on immigration questions, National Association of Foreign Student Advisers, and counselor to foreign students at Cornell University, setting out several suggestions for consideration in connection with any revision of the immigration laws and regulations, which represent the views of persons in daily contact with practically all the foreign students in the United States and serve the purpose of focusing on the major problems confronting those concerned with the welfare of the foreign student under the student exchange programs.

[82] H. Doc. 56, 81st Cong.

A discussion of those suggestions along with the comment thereon by others, including representatives of the Department of State and representatives of the Immigration and Naturalization Service, should be helpful in making an appraisal of the need for any corrective measures. The suggestions are as follows:

(*a*) *Part-time employment*

The problem which causes most concern among those interested in assisting the foreign student is obtaining permission from the Immigration and Naturalization Service for the student to engage in part-time employment. As a means of alleviating this problem, it was suggested that authority be delegated to foreign-student advisers or some other responsible official in educational institutions to grant permission to the foreign students admitted under section 4 (e) to work part time during the school year and full time during vacations. This authority would be restricted to cases of financial need, cases in which the work will not interfere with the student's studies, or where the work is recommended or required as part of the student's training. The student adviser or the official in the educational institution would report his action and reasons therefor to the Immigration and Naturalization Service. The delegation of authority could be qualified by making the authorization to work subject to approval by the Immigration and Naturalization Service. The whole purpose of the suggestion was stated to be that institutional approval of part-time work by foreign students would avoid unnecessary delays in processing applications to work.

The reaction of the Immigration and Naturalization Service to the suggestion is that the determination of the necessity for part-time work is the responsibility of the Service and that it would be unwise to delegate it to the schools. Permission to work is granted under section 4 (e) to students, who can satisfy the Immigration and Naturalization Service that they have insufficient funds and that the work will not interfere with their carrying a full course of study. Furthermore, since the issuance of the revised regulations in August 1947 more authority has been delegated to the field offices to act on determinations of the status of students and district directors may authorize students to work during vacations. Part-time work has also been permitted where it is required as part of a course and practical training has been authorized for 6 months after completion of the student's regular course of study. The delays in processing the applications for eligible students for permission to work is attributed to insufficient personnel, but the Immigration and Naturalization Service stated that from an enforcement standpoint it is essential for them to watch the foreign students closely to prevent people from coming in as students when their real intention is to reside and work here.

Representatives of the Department of State expressed sympathy for the problems of the part-time student workers, provided they do not compete with or render unemployed our own citizens. The Department recognizes the problem faced by the educational institutions in trying to solve the financial difficulties of foreign students, resulting from the high cost of living and the difficulty of foreign students obtaining dollars. The opinion was expressed that if students are to continue to come from certain areas, it must be made possible for them to support themselves by means other than appro-

priation by the United States Government. It was stated that, if our Government is willing to finance some students, it is logical that we would want to facilitate self-support of students whom the Government does not finance.

(*b*) *Assistantships*

Included within the broad problems of part-time employment is the question whether foreign students should be permitted to accept assistantships. Assistantships are usually made available to graduate students, who assist the professors, do some research, and supervise examinations, as an integral part of our school systems. The desire of the schools to provide assistantships to foreign students was attributed to their budget problems. Whereas the schools may not be interested in employing full-fledged instructors, they may be willing to give a foreign graduate student free tuition, room, and board or a small fixed sum, if he is willing to devote 6 to 12 hours a week to special instruction of other students.

The position of the Immigration and Naturalization Service with respect to this suggestion is consistent with its general approach to the question of permitting a foreign student to work. A foreign student may be permitted to work if he needs funds and he can continue to carry a full course of work. With respect to the foreign graduate student, it was pointed out that the difficulty results from the fact that the student who works generally curtails his course of study. The policy of the Immigration and Naturalization Service was stated to be that foreign students should not be given employment, even if peculiarly fitted for it, if such employment interferes with their regular course of study, since they are admitted for the purpose of study and not for employment; and that the standards applicable to students of this country in regard to the number of hours in their course of study should not be relaxed in the case of foreign graduate students to permit them to accept assistantships. On the other hand, the counselor for foreign students at Harvard Unversity expressed the view that this policy should be relaxed under some circumstances to permit an extension of the period normally required for the graduate student to obtain his degree in order that he might accept a teaching or research fellowship.

Another question which arose in the subcommittee's deliberation was whether, under the Smith-Mundt Act, a student who obtains a job instructing for 2 years would become eligible for admission as a nonquota immigrant under section 4 (d) of the Immigration Act of 1924, relating to professors, and entitled to stay in this country indefinitely. It was the opinion of a representative of the Immigration and Naturalization Service that, if the foreign student spends the necessary time teaching in this country, he could leave the country and return on a 4 (d) nonquota immigrant visa. While there is no estimate of the prospective number of foreign students who would fall in this category, the opinion was expressed that if foreign students were permitted to instruct, there would likely be a large number who would eventually qualify as professors, thereby attaining nonquota status.

(c) *Employment of foreign students on staff of educational institution*

Another facet of the part-time employment problem is reflected in the suggestion that permission be granted for a foreign student to be employed on a part-time basis on the staff of an educational institution if the school has the need for the foreign student or if the work is educational in itself, regardless of the financial need of the student. The justification advanced for this suggestion is the shortage of qualified teachers. It was pointed out that there are cases where the services of foreign students could be used to considerable advantage. A student at Cornell University from Portugal with a master's degree in psychology was, for example, badly needed on the staff and no other qualified teacher could be found, but his services could not be used, because he had no financial need. It was contended that similar situations have arisen in the language departments of colleges where foreign students are needed under the conversational method of teaching, but qualified foreign students frequently have no financial need.

(d) *Employment of students as instructors*

It was suggested that consideration be given to the enactment into the law of a provision permitting foreign students who have completed their studies to remain and work for temporary periods as instructors to individuals who are engaged in research, provided the school establishes the need for such instructors. It was stated that in many cases the permission would enable brilliant foreign students to be of great assistance in conducting classes or in continuing valuable research. A representative of the Immigration and Naturalization Service expressed the view that this situation is involved in the same problem relating to the need of instructors.

(e) *Students as trainees*

A slightly different problem, but still related to employment of foreign students, is contained in the suggestion that the laws and regulations affecting trainees be liberalized to permit foreign students to take practical training before completing their formal studies in cases where the school considers that the foreign students would be benefited. The position of the Immigration and Naturalization Service is that foreign students are in this country for the purpose of studying and work is not essential, and that trainees are contract laborers and not students.

(f) *Facilitation of change from section 3 (2) to section 4 (e) status*

The suggestion that steps be taken to facilitate a change of status from a 3 (2) visa to a 4 (e) visa immediately upon the presentation of proof of student status, is based upon a desire of those interested in the student programs to avoid delays in obtaining permission for foreign students to work. A representative of the Immigration and Naturalization Service pointed out that 3 (2) visas are presently issued to foreign students who cannot technically qualify for 4 (e) visas and that it would be preferable to handle all foreign students under a single nonimmigrant class.

(g) Reentry of students

The suggestion was made that students from any country be permitted to reenter on unexpired 4 (e) visas, as is now permitted in the case of students from Canada, Mexico, and Cuba, on the ground that many foreign students now return to their homes for vacations before completion of their courses due to the increase in the speed of travel. The suggestion is designed to relieve such foreign students of the necessity of obtaining new 4 (e) visas. Since this suggestion was made, the visa regulations have been revised to permit a 4 (e) student returning from a vacation in the Western Hemisphere within 4 months to be admitted upon a passport without a new visa, if he is returning to resume his studies at an approved school and presents a letter from the school that he is a student in good standing. Where the student is returning from a vacation outside the Western Hemisphere within 4 months, he must have a new visa but the supporting documents under section 7 (c) are waived if the applicant presents a letter from the school that he is a student in good standing.[83]

(h) Treatment of diseased students

The suggestion was made that a foreign student who is found to have a disease of which he was unaware at the time of entry be permitted to remain in this country for treatment and cure rather than be deported, if he or someone else is in a position to pay for the treatment.

A representative of the Immigration and Naturalization Service explained that where it is discovered within 5 years of entry that the student had the disease at the time of entry, it is incumbent upon the Service under the law to deport him.

(i) Transfers for short summer courses

Another suggestion advanced to assist the foreign student was that he be permitted to study in short summer courses at a school other than the school to which he was accredited, without being required to apply to the Immigration and Naturalization Service for permission to transfer if he expects to return to his accredited school in the following regular term.

(j) Information booklet and witness to signatures

It was suggested that the Immigration and Naturalization Service should publish and make available to foreign students an information booklet which would tell foreign students the procedures they must follow, their privileges, and what they are not permitted to do. It was also suggested that in making applications for extension, the foreign students be permitted to have their signatures witnessed by foreign-student advisers or other duly designated school officials, rather than by notaries public. A representative of the Immigration and Naturalization Service expressed the view that statements under oath act as a deterrent to misstatements and command more careful consideration.

(k) Conclusions

It is apparent that the foregoing suggestions relate almost exclusively to problems of administration of the immigration laws under the regulations of the Immigration and Naturalization Service. It does not appear that the problems presented would involve any corrective

[83] 22 CFR 42.230.

legislation. The suggested changes, if desirable and practicable, could be effectuated through modification of the immigration regulations to the extent found to be consistent with the fundamental policy of the immigration law.

e. The school situation

The problem of the alien student under the immigration laws is directly related to the expressed policy of the United States to foster the interchange of students with other countries of the world. It is appropriate, therefore, to examine the school situation in the United States to determine whether the admission of foreign students may seriously affect the educational opportunities of our own citizens.

While foreign students are enrolled primarily in institutions of higher learning, a forecast of the trends in the enrollments at such institutions must take into consideration the trends in the enrollments in the elementary and high schools. The forecast of the Bureau of the Census is that a sharp increase in the enrollment in the first grade between 1948 and 1949 will ultimately result in a sharp increase in the enrollment in the eighth grade in 1960. This increase in enrollment in the eighth grade will be 65 percent over the eighth-grade enrollment in 1947. The effect of the sharply increased enrollment in elementary schools will not be felt by the high schools until around 1956. By 1960 high-school enrollment is expected to be 30 percent higher than in 1947.[84]

On the basis of a survey of 1,732 institutions of higher learning their 1947 fall enrollment was placed at 2,340,000, an increase of 12.5 percent over 1946. The 1946 enrollment was 118 percent higher than the 1945 enrollment.[85] Data from 1,733 institutions of higher learning reported a 1948 fall enrollment of 2,408,249, only 3 percent higher than 1947. The number of veterans attending decreased approximately 9 percent and the number of students attending college for the first time decreased approximately 4 percent.[86]

The United States Office of Education has on several occasions made forecasts of the future enrollments in the institutions of higher learning. In making such forecasts it is pointed out that the question of future college enrollments is influenced by many variables, some of which involve unknown factors.[87] Since the end of the war, eight estimates of future college enrollments have appeared in professional literature. The estimates of the 1949–50 enrollment ranged from 1,908,000 [88] to 6,000,000.[89] One estimate places enrollments in the year 1959–60 at 2,260,000 students, another at 3,700,000 students.

The United States Office of Education made a survey of 1,386 institutions of higher learning which accounted for 96 percent of all the students in the second semester of 1946–47, concerning their estimates of future enrollments. The totals of the estimates were as follows:

Academic year:	*Number*
1949–50	2, 561, 000
1954–55	2, 627, 000
1959–60	2, 814, 000

[84] U. S. Bureau of the Census, Current Population Reports, Feb. 14, 1949.
[85] U. S. Office of Education: Circular No. 238, November 10, 1947; Higher Education, vol. 4, No. 7, December 1, 1947.
[86] U. S. Office of Education, Circular No. 248, November 15, 1948.
[87] J. Harold Goldthorpe, "Estimates of Future College and University Enrollment", U. S. Office of Education, Higher Education, vol. 4, No. 14, March 15, 1948.
[88] Thad L. Hungate, Financing Higher Education (1946), p. 224.
[89] Clarence E. Partch, Analysis of the Need for Facilities To Provide Adequate Educational Opportunities for Veterans and for Graduates of Secondary Schools (1946).

It must be borne in mind that different assumptions and premises have been used by the various estimators and that the estimates may be upset by the introduction of new factors, such as an inauguration of a broad program of Federal scholarships. The President's Commission on Higher Education has recommended a minimum college enrollment in 1960 of 4,600,000 and a broad plan of Federal scholarship which, in the event of congressional approval, would result in substantial increases in enrollments.[90]

f. Conclusions and recommendations

Under the current immigration laws and regulations, the foreign student is granted a temporary status whether he is admitted as a nonimmigrant visitor under section 3 (2) of the Immigration Act of 1924 or as a nonquota immigrant under section 4 (e) of that act. The subcommittee believes that a temporary status for alien students during their sojourn here is the appropriate status, since the motivating cause in permitting the alien to study in this country and to enjoy certain privileges is a recognition of the ultimate benefits accruing to the United States when the student returns to his own country. It is the opinion of the subcommittee that there should be no relaxation of the immigration laws which would open the door to permanent residence for student aliens.

From the standpoint of controls over the entry of aliens into this country, the subcommittee concludes that present controls over the foreign student are adequate. The laws and regulations governing the foreign student and the practices relating to their enforcement demonstrate that there are adequate safeguards to insure that the applicant for admission is a bona fide student and to insure maintenance of a temporary status after admission. There is evidence of some cases of abuse of the privileges extended foreign students. As indicated by the records of the Immigration and Naturalization Service, the number of cases of foreign students who have been reported for investigation for failure to depart from the United States upon the expiration of their temporary period of stay is relatively small. The best estimate was that there were approximately 560 such cases in the summer of 1948. When that figure is compared with the total of approximately 26,759 foreign students believed to be in the country at that time, it can be seen that there is no great problem, particularly in view of the fact that a complete investigation of the cases reported might well disclose no violation of status in many of them. The significance of the fact that some cases are under investigation is that some students do violate their status, and as long as there is the potential problem that foreign students may violate their status, however small the group involved, the subcommittee believes that the maintenance of a system of strict controls by the Immigration and Naturalization Service is necessary. Any laxity in the treatment of one group of nonimmigrants may not only provide an attractive loophole for aliens desiring to enter this country illegally, but also tend to undermine the controls over the whole nonimmigrant class.

[90] U. S. Office of Education, Higher Education, vol. 4, No. 14, March 15, 1948.

The subcommittee is aware of the importance assigned to the interchange of students under United States foreign policy and recognizes the benefits from the pursuit of such policy. While the subcommittee is sympathetic to the problems encountered by persons who are actively engaged in promoting student exchanges, it is also conscious of the necessity for the preservation of a sound system of controls over alien students. The principal complaints heard by the subcommittee related primarily to certain hardships and inequities which are believed to result from an unnecessarily strict enforcement of the immigration laws in the case of the foreign student, particularly the question of permitting the foreign student to engage in part-time employment while pursuing his course of study.

In the opinion of the subcommittee these problems of administration do not require any basic changes in the law governing the admission of foreign students and that the door should not be opened wide to the employment of foreign students. The alien must still remain primarily a student and any employment must be incidental to his pursuit of an approved course of study, because of financial need. On the basis of the information before the subcommittee, it appears to be sufficiently established that there is some shortage of instructors among the institutions of higher learning in this country; yet the subcommittee does not believe that the foreign student should be granted faculty status as a means of alleviating this problem. The problem appears to be temporary and the actual need undetermined. The subcommittee agrees with the Immigration and Naturalization Service that if there is a real need for foreign instructors, consideration should be given to admitting them temporarily and, therefore, it is suggested that if and when any real need for foreign instructors is established, a request be made for their temporary admission for the duration of the shortage. This may be done within the framework of the proposed nonimmigrant category which will be discussed subsequently.

It is the conclusion of the subcommittee that there is no need for imposing any limitation on the number of aliens who may be admitted for temporary periods as students. It does not appear that the encouragement of the immigration of foreign students by the United States Government and private organizations will adversely affect the educational opportunities of our own citizens. An examination of the school situation in the United States indicates that while increases in enrollments in institutions can be expected for the next decade there is no indication that the admission of foreign students would result in any substantial overcrowding in the schools. The total enrollment of institutions of higher learning was 2,408,249 in the fall of 1948, including only 26,759 foreign students, a small percentage of the total enrollment.

The subcommittee does, however, conclude that foreign students are presently admitted under too many different provisions of the law. Foreign students are presently admitted as nonimmigrant visitors under section 3 (2), they are admitted as nonquota immigrants under section 4 (e), they may be admitted as Government officials under section 3 (1), they are admitted without restriction, other than registration, under the Philippine Rehabilitation Act of 1946, and there is an indication that they are being admitted under the United Nations headquarters site agreement. The subcommittee believes that all bona fide foreign students should be admitted under a special

nonimmigrant classification. So far as section 4 (e) students are concerned, the change would be largely technical, since they presently have only a temporary status although they are classified as nonquota immigrants. It is the subcommittee's opinion that if all foreign students were admitted under one provision of the law, more effective control could be maintained.

12. GENERAL CONCLUSIONS AND RECOMMENDATIONS

The subcommittee recommends the narrowing of the classes of aliens who may qualify for nonquota status by a transfer of section 4 (e) nonquota foreign students to the nonimmigrant classification and by eliminating ministers and professors from the nonquota classes. It is quite likely that the nonquota potential would be slightly increased, because the subcommittee has recommended that all husbands of American citizens, who are otherwise eligible, be entitled to enter under a nonquota status. Under the present law, husbands of American citizens who married after January 1, 1948, are entitled only to a first preference under the quotas. Moreover, the subcommittee has recommended that certain children and wives of American citizens who have heretofore been barred from nonquota status because of their race be entitled to that status.

It appears that the humane provisions of the nonquota classification have served the purpose of preserving the unity of the immigrant family, although a disproportionate number of relatives of American citizens have been admitted nonquota from the area of southern and eastern Europe where the quotas are smaller. Although this has thrown the national origins plan out of balance to some extent it is explained by the fact that, prior to the imposition of quotas, larger numbers of males from those areas preceded their families to this country and having become established here subsequently brought in their families. It is the opinion of the subcommittee that the nonquota provision for certain relatives is justified, but the subcommittee recommends that the provision should not be further enlarged to include additional classes of relatives.

D. NONIMMIGRANTS

1. INTRODUCTION

The immigration laws also contain provisions applicable to aliens who seek to enter the United States for temporary periods. The Immigration Act of 1917 contained provisions regarding the temporary entry of aliens, but in the main, any alien otherwise admissible could enter the United States for an indefinite period. It was not until the enactment of the Immigration Act of 1924 that a distinction was made between aliens coming to the United States for permanent residence and aliens coming to the United States for temporary periods. The 1924 act exempts certain classes of aliens destined for the United States from the definition of immigrants, if they can be classed in one of the seven categories of nonimmigrants as set forth in section 3 of the act.

2. FOREIGN GOVERNMENT OFFICIALS AND REPRESENTATIVES AND PERSONNEL OF INTERNATIONAL ORGANIZATIONS

a. Applicable laws and regulations

(1) The 1924 act

The Immigration Act of 1924, as amended, excepts from the definition of an immigrant any alien destined for the United States who is (1) an accredited official of a foreign government recognized by the Government of the United States; (2) a representative of a foreign government in or to an international organization entitled to enjoy privileges, exemptions, and immunities as an international organization under the International Organization Immunities Act or an alien officer or employee of such international organization, and (3) their family, attendants, servants, and employees.[92]

The regulations of the Department of State supplementing the provisions of section 3 (1) of the act further define and limit the nonimmigrant status accorded to an accredited official of a foreign government and his family, attendants, servants, and employees. The term "accredited official of a foreign government" is construed to mean an alien officer of a foreign government recognized by the United States, who is a national of the country whose government he represents and who is proceeding to the United States for the purpose of transacting official business for his government. In the case of a civilian official, the term means a person holding an official position, regardless of rank, if he is paid by his government as distinguished from being paid by his superior officer. The term "family" includes relatives by blood or marriage who are regularly residing in or are members of the household of such an official. The term "attendants" is broadly interpreted to include noncommissioned officers and nonofficer members of the armed forces of foreign governments who are accompanying or following to join an accredited official of a foreign government and who have the nationality of that government. While an alien who is not a national of the government employing him in a representative capacity does not qualify for the 3 (1) status, an alien of one nationality employed in a personal or nonrepresentative capacity by a foreign government of another nationality or who is paid from the personal funds of a foreign government official of another nationality does qualify. Honorary consular officers are not included in the provision.[93]

(2) Exemptions, privileges, and immunities

Aliens who can qualify for nonimmigrant status as accredited officials of foreign governments or as representatives, officers, or employees of an international organization are accorded extensive exemptions, privileges, and immunities under the immigration laws and under certain special statutes, as follows:

(a) Tenth proviso

Under the tenth proviso of section 3 of the Immigration Act of 1917, officials of foreign governments are relieved of the necessity of complying with many of the provisions of the immigration laws which

[92] Sec. 3 (1) and (7), 43 Stat. 153; 59 Stat. 669, 672; 8 U. S. C. 203.
[93] 22 CFR 61.122.

relate to the grounds upon which aliens are excluded or declared to be inadmissible. It provides "That nothing in this Act shall be construed to apply to accredited officials of foreign Governments, nor to their suites, families, or guests." [94] The effect of the proviso is to render inapplicable the qualitative restrictions which are imposed upon aliens generally who seek to enter this country. Thus, generally, idiots, imbeciles, paupers, mental defectives, draft evaders, criminals, polygamists, prostitutes, contract laborers, persons likely to become a public charge, stowaways, Asiatics, illiterates, and similar classes of aliens are excluded from admission into the United States, but these restrictions do not apply to foreign officials. The tenth proviso also has the effect of waiving the payment of the head tax by such aliens, of preventing their detention at the time of entry for observation and examination, of waiving physical and mental examination, and relieving them, generally, from any liability for acts which would otherwise subject them to exclusion, deportation, fines, or punishment under the immigration laws.

(*b*) *Alien registration and bonds*

Foreign government officials and their families are exempted from the registration and fingerprinting requirements of the Alien Registration Act of 1940.[95] Such aliens, as well as representatives, officers, and employees of international organizations, are not required to give a bond to insure their departure from the United States upon the expiration of their period of admission or their failure to maintain status.[96]

(*c*) *International Organizations Immunities Act and headquarters agreement*

Aliens who can qualify for nonimmigrant status as representatives or officials of international organizations under section 3 (7) of the 1924 act are accorded extensive exemptions and privileges under two special acts. The International Organizations Immunities Act [97] relates to representatives and officers of international organizations, while the headquarters agreement [98] relates to the transit of aliens to and from the headquarters district of the United Nations.

The International Organizations Immunities Act provides that representatives of foreign governments to international organizations and the officers and employees of such organizations, including their immediate families, are entitled to the same privileges, exemptions, and immunities with respect to the laws regulating entry into and departure from the United States, alien registration, fingerprinting, and registration of foreign agents as are accorded under similar circumstances to officers and employees of foreign governments and their families.[99]

The extent to which the immunities are available to representatives, officers, and employees is limited by the definition of an international organization. An international organization is defined as a public international organization in which the United States participates pursuant to any treaty or under authority of an act of the Congress and which has been specifically designated by the President as entitled

[94] 39 Stat. 874, 878; 8 U. S. C. 136 (r).
[95] Sec. 32, 54 Stat. 670, 674; 8 U. S. C. 453 (b).
[96] 8 U. S. C. 215.
[97] 59 Stat. 669.
[98] 61 Stat. 756.
[99] Sec. 7; 22 U. S. C. 288 (d).

to enjoy privileges, exemptions, and immunities. The President is authorized, in the light of the functions performed by an international organization, to withhold or withdraw from any officer or employee any of the privileges, exemptions, or immunities or to condition or limit the same. The President is also granted discretionary authority to revoke the designation of any international organization as such.[1]

The privileges, exemptions, and immunities conferred by the act are further limited to a person who (1) has given formal notice to and been accepted by the Secretary of State as a representative, officer, or employee of an international organization; (2) has been designated by the Secretary of State, prior to formal notice and acceptance, as a prospective representative, officer, or employee of an international organization; or (3) is a member of the family of an accepted or designated representative, officer, or employee.[2] Provision is made, if the Secretary of State determines that the continued presence of such person in the United States is not desirable, that he shall cease to be entitled to the benefits of the act after the Secretary of State has so informed the foreign government or international organization concerned and after the expiration of a reasonable length of time fixed by the Secretary of State in which such person is to depart.

While the privileges, exemptions, and immunities granted by the act are specifically not conditioned upon the existence of reciprocity of treatment by foreign governments, the right is reserved to the Secretary of State to withdraw the privileges, exemptions, and immunities from persons who are nationals of any foreign country which does not accord corresponding privileges, exemptions, and immunities to citizens of the United States.[3]

The President through Executive orders [4] has designated the following as public international organizations entitled to the privileges, granted by the act:

The Food and Agriculture Organization.
The International Labor Organization.
The Pan American Union.
The United Nations.
Inter-American Institute of Agricultural Sciences.
Inter-American Statistical Institute.
International Bank for Reconstruction and Development.
International Monetary Fund.
Pan American Sanitary Bureau.
International Wheat Advisory Committee.
United Nations Educational, Scientific, and Cultural Organization.
International Civil Aviation Organization.
International Telecommunication Union.
International Refugee Organization.
International Cotton Advisory Committee.
International Joint Commission—United States and Canada.
Caribbean Commission.
World Health Organization.
South Pacific Commission.

[1] Sec. 1; 22 U. S. C. 288.
[2] Sec. 8 (a); 22 U. S. C. 288 (e).
[3] Sec. 9; 8 U. S. C. 288 (f).
[4] Executive Orders No. 9698, Feb. 19, 1946, 11 F. R. 1809; No. 9751, July 12, 1946, 11 F. R. 7713; No. 9823, Jan. 24, 1946, 12 F. R. 551; No. 9863, June 2, 1947, 12 F. R. 3559; No. 9887, Aug. 22, 1947, 12 F. R. 5723; No. 9911, Dec. 22, 1947, 12 F. R. 8719; No. 9972, June 29, 1948, 13 F. R. 3573; No. 10025, Dec. 31, 1948, 13 F. R. 9361; No. 10083, Oct. 10, 1949, 14 F. R. 6161; No. 10086, Nov. 25, 1949, 14 F. R. 7147.

On June 26, 1947, an agreement between the United States and the United Nations was signed at Lake Success regarding the headquarters of the United Nations. The agreement of June 26, 1947, provided that it shall be brought into effect by the exchange of notes between an executive officer of the United States, duly authorized pursuant to appropriate actions of the Congress, and the Secretary-General of the United Nations. Thereafter, on August 4, 1947, by joint resolution of the Congress the President was authorized to bring the agreement into effect subject, however, to certain reservations.[5] The joint resolution stipulated among other things, that "nothing in the agreement shall be construed as in any way diminishing, abridging, or weakening the right of the United States to safeguard its own security and completely to control the entrance of aliens into any territory of the United States other than the headquarters district and its immediate vicinity. * * *"

On October 31, 1947, the General Assembly of the United Nations passed a resolution in which the Secretary-General of the United Nations was authorized to bring the agreement into force by an exchange of notes with the appropriate executive officer of the United States.

On November 21, 1947, there was an exchange of notes between Warren R. Austin, permanent representative of the United States at the seat of the United Nations, and Trygve Lie, Secretary-General of the United Nations. In the note from Warren R. Austin to Trygve Lie, it was stated that the Government of the United States of America is prepared to apply the headquarters agreement subject to the provisions of Public Law 357 of the Eightieth Congress. In the note from Trygve Lie to Warren R. Austin no specific reference was made to Public Law 357 of the Eightieth Congress.

An interim headquarters agreement, extending the provisions of the headquarters agreement to the temporary headquarters at Lake Success, was executed between the United States and the United Nations on December 18, 1947.

The headquarters agreement grants certain privileges and immunities to aliens entering the United States in transit to or from the United Nations headquarters. Section 11 of the agreement provides that Federal, State, or local authorities of the United States shall not impose any impediments to transit to or from the headquarters site of the following persons:

1. Representatives of members or officials of the United Nations or certain specialized agencies, as defined in article 57 of the United Nations Charter, or the families of such representatives and officials.[6]
2. Experts performing missions for the United Nations or specialized agencies.
3. Representatives of the press, radio, film, or other information agencies accredited by the United Nations or a specialized agency after consultation with the United States.
4. Representatives of nongovernmental organizations recognized by the United Nations for the purpose of consultation pursuant to article 71 of the Charter.

[5] S. J. Res. 144, Public Law 357, 80th Cong., 1st sess, 61 Stat. 756.
[6] Art. 57 of the Charter provides that various specialized agencies established by intergovernmental agreement and having wide international responsibilities in economic, social, cultural, educational, health, and related fields shall be brought into relationship with the United Nations.

5. Other persons invited to the headquarters district by the United Nations or by a specialized agency on official business.

Section 13 of the agreement provides that the laws and regulations of the United States on the entry of aliens shall not be applied in such manner as to interfere with the foregoing privileges and any required visas shall be granted without charge and as promptly as possible. Similarly, the agreement provides that the laws relating to the residence of aliens shall not be applied in such manner as to interfere with the privileges granted, nor shall any alien be required to depart from the United States because of any activities performed by him in his official capacity. If such alien abuses his privileges he shall not, however, be exempt from the laws relating to other aliens, except that no deportation proceedings may be instituted without the prior approval of the Secretary of State and approval may be given only after consultation with the appropriate member of the United Nations, in the case of a representative of a member, or after consultation with the Secretary General or the executive officer of a specialized agency in other cases. A representative of the member concerned, the Secretary General, or the executive officer of a specialized agency, as the case may be, are also given the right to appear on behalf of any such alien in any deportation proceedings. Those aliens entitled to diplomatic privileges and immunities shall be required to leave the United States only in accordance with the procedure applicable to accredited diplomatic officials.

The following aliens are accorded the same privileges and immunities by the United States as the United States accords to accredited diplomatic envoys, whether they reside inside or outside of the headquarters district; (1) Every designated principal resident representative of a member or a resident representative of a member with the rank of ambassador or minister plenipotentiary; (2) such resident members of the staffs of the foregoing as may be agreed upon by the Secretary-General, the United States, and the member concerned, (3) principal resident representatives of specialized agencies, with the rank of ambassador or minister plenipotentiary, at the headquarters of such agency in the United States; and (4) such other principal resident representatives as may be agreed upon by the United States and the member concerned. If the government of a member is not recognized by the United States, the privileges are not required to be extended to any of the foregoing aliens except within the headquarters district, at their residences and offices outside the district, in transit between the district and such residences and offices, and in transit on official business to or from foreign countries.

At the request of appropriate American authorities, the Secretary-General shall discuss arrangements for registering the arrival and departure of persons who have been granted visas valid only for transit to and from the headquarters district and sojourn therein and in its immediate vicinity. The Secretary-General and the appropriate American authorities, at the request of either, are directed to consult as to methods of facilitating entrance into the United States of persons from abroad who wish to visit the headquarters district and who do not enjoy certain rights granted under the agreement.

b. Procedures applicable to section 3 (1) and section 3 (7) nonimmigrants

(1) Issuance of visas

The nonimmigrant visa under section 3 (1) may be granted only where the government official is proceeding to the United States on official business of his government. Where the official is proceeding to the United States on personal business, a section 3 (2) visa may be issued to the official, and to his family, attendants, servants, and employees.[7] A student who holds an official position in his government and is being sent to this country at the expense of his country may be granted section 3 (1) status.[8]

An applicant for a 3 (1) visa may be requested to have his status and the purpose of his journey to the United States confirmed by his foreign office or mission. No passport-visa fees are collected from aliens who qualify under section 3 (1).[9]

Under instructions issued by the Department of State, if an alien is traveling to the United States for the dual purpose of transacting official business of an international organization and also as an accredited official of a foreign government within the meaning of section 3 (1), he is issued a section 3 (1) visa rather than a section 3 (7) visa.

Special diplomatic visas may be granted by their governments to certain qualified aliens who possess diplomatic passports which are issued to aliens having diplomatic or career status or to aliens of special distinction. The visa regulations set forth in detail the officers who are authorized to issue diplomatic visas and the categories of aliens eligible to receive them. There are two types of such visas: (1) A regular diplomatic visa which is valid for a period of 12 months, during which the holder may make as many applications for admission as he desires, provided his passport remains valid for such period; and (2) a limited diplomatic visa which is valid for a single journey with provision for revalidation for additional journeys if the bearer remains eligible.

Specifically designated officials of the Department of State are also authorized to issue diplomatic or other nonimmigrant passport visas to aliens who are in the United States and who desire to reenter after a temporary absence therefrom in the following cases: Officials of foreign governments or aliens who hold positions tantamount thereto and aliens qualified for admission under section 3 (7), including members of their families, attendants, servants, and employees. Such visas are valid for such period as the issuing officer may prescribe.[10]

(2) Admission

Under the regulations of the Immigration and Naturalization Service an alien who is a foreign government official or a member of his family is admitted without limitation of time and is not required to give a bond.[11] An examining officer at the port of entry may admit such an alien temporarily if satisfied beyond a doubt that he has the status claimed, and, if not so satisfied, the examining officer must hold him for examination regarding his status by a board of special inquiry.[12]

With respect to representatives to and officers or employees of international organizations, the Immigration and Naturalization Serv-

[7] 22 CFR 61.124-5.
[8] 22 CFR 61.126.
[9] 22 CFR 61.130.
[10] Department of State, Public Notice 3, March 12, 1949, 14 F. R. 1137.
[11] 8 CFR 110.29 (a).
[12] 8 CFR 110.28.

ice has promulgated regulations supplementing the provisions of section 3 (7). An alien qualified for admission as a nonimmigrant under section 3 (7) is not required to furnish bond and is entitled to the benefit of the provisions of the tenth proviso to section 3 of the 1917 act. Aliens who are representatives to or officers or employees of an international organization are exempted from registration and fingerprinting, but the exemption does not apply to a member of their family unless he is closely related by blood or marriage and is residing in the household of such aliens, nor to an attendant, servant, or employee unless he is regularly residing as a domestic employee in the household of such aliens.[13]

Aliens who are representatives, officers, or employees of an international organization, and their families are not admitted for any specific length of time but are admitted for the duration of their official status. The attendants, servants, and employees are admitted for such time as may be necessary for them to accomplish their purpose of temporary stay in the United States, but not to exceed 1 year.[14] They may apply for an extension of their temporary stay.

(3) Deportation

The right to proceed against an alien admitted under section 3 (1) and 3 (7) for failure to maintain status or for violation of status, is limited by the provision of section 15 of the 1924 act. A foreign government official, a representative to an international organization, or an officer or employee of an international organization, or a member of their family, shall not be required to depart from the United States without the approval of the Secretary of State.

c. Statistics

From June 30, 1938, through June 30, 1948, a total of 151,135 aliens were admitted as government officials, their families, attendants, servants, and employees under section 3 (1). Since the establishment of section 3 (7) status by the act of December 29, 1945,[15] for representatives, officials, and employees of international organizations, 8,520 aliens have been admitted under that status.[16]

d. Comment on practices and procedures relating to section 3 (1) and section 3 (7) nonimmigrants

(1) Introduction

The inclusion of accredited officials of foreign governments and their families, attendants, servants, and employees in a separate category of nonimmigrants in the act of 1924 is a recognition of the favored treatment which has traditionally been accorded to representatives of one government to another government under the law of nations. Under international law, diplomatic officers are granted certain rights, privileges, and immunities so that governments may not be hampered in their foreign relations. They are immune from criminal prosecution and civil process, the obligation to testify, taxation, and the operation of other local laws.[17]

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[13] 8 CFR 123.2.
[14] 8 CFR 123.3.
[15] 59 Stat. 669.
[16] See appendix XII, table 17, p. 898, for the number of aliens admitted under sec. 3 (1) and 3 (7) from 1938 to 1948. The numbers of visas issued by countries of origin for the fiscal year 1948 appears in table 18, p. 899. Table 19 shows the country of birth of aliens admitted as government officials and officials or employees of international organizations, their families during the fiscal year 1948.
[17] See IV Hackworth, Digest of International Law (1942), p. 393 et seq.; p. 513 et seq.

The supervision of the foreign relations of the United States with foreign states is vested in the President, subject to certain constitutional limitations. Under article II, section 2, of the Constitution, the President, by and with the advice and consent of the Senate, has the power to appoint Ambassadors and other public Ministers and consuls. Under article II, section 3, the President is directed to receive Ambassadors and other public Ministers. The courts have taken the position that the determination of who are entitled to diplomatic immunities is a political question and the courts will not look beyond the determination made by the executive branch of the Government.[18] The immunities are accorded to a member of a diplomatic mission because he is a functionary for maintaining the relations between two governments and not because he is an official of one government, and the immunities extend, generally, to Ambassadors and Ministers who have been entrusted with the transaction of business between governments. In the absence of an executive designation of foreign officials as entitled to diplomatic immunity, foreign officials of one country present in another country to transact business with private persons are not entitled to any of the diplomatic immunities.[19] It has been said that the immunities do not extend to consuls, vice consuls, or other employees, agents or employees of a foreign government other than those specifically entrusted with the authority to negotiate between governments.[20]

While immunities accorded to diplomats have their origin in the law of nations, the Congress has enacted specific statutory provisions establishing such immunities. The laws provide that any writ or process sued out or prosecuted by any person in any court in the United States against any Ambassador or public Minister who has been received by the President, or against any domestic servant of any such Ambassador or public Minister, shall be deemed void; and any person suing out such writ or process is liable to imprisonment for not more than 3 years and fines within the discretion of the court.[21]

The immunities accorded diplomatic officers have been extended by the United States to certain aliens who are representatives to and officers and employees of international organizations under the International Organizations Immunities Act to facilitate intercourse between the international organizations and the member governments.

(2) Issuance of visa

While aliens who enter under section 3 (1) in the government official status are granted extensive privileges and immunities, the privilege of qualifying under section 3 (1) is circumscribed by certain well-established principles of international law, chief among which is the invariable practice for the sending state, before appointing a diplomatic envoy, to inquire whether the prospective appointee is acceptable to the receiving state. The determination of whether the appointee is acceptable is within the discretion of the receiving state. After having admitted a diplomatic envoy, the receiving state may declare the diplomatic envoy to be persona non grata under international practice and request his recall by the sending state. In

[18] In re Baiz, 135 U. S. 403, 432 (1889); *Trost* v. *Tompkins*, 44 A. 2d, 226 (Mun. Ct., D. C., 1945).
[19] *Trost* v. *Tompkins*, 44 A. 2d, 226 (Mun. Ct., D. C., 1945).
[20] Ibid.
[21] R. S. 4063, 4064; 22 U. S. C. 252, 253.

such case, the reasons for requesting the recall of the diplomatic envoy are immaterial.[22]

There is no international agreement defining the activities in which an accredited government official of a foreign state may engage while enjoying status under section 3 (1). There is a general understanding at the time of issuance of the visa, however, that the official is coming to this country to engage only in the activities for which he applies and as long as he conducts himself in a reasonable manner, his activities will not be interfered with. This general understanding was stated by an official of the Department of State not to embrace propaganda activities. It was stated that, generally, under custom, traditions and international understanding, the functions of a foreign government official are restricted to helping his government and individuals of his own country in trade, commerce, and other matters, and that he is an official spokesman to the receiving government on behalf of the peoples of his own government.

It was explained by officials of the Department of State that the sole responsibility for the issuance of a visa rests with consuls in the case of a foreign government official and with the chiefs of our diplomatic missions abroad in the case of a high ranking foreign government official. All foreign government officials are required to be in possession of a passport, which may be either a diplomatic or a regular passport. The diplomatic passport is issued to high ranking foreign government officials and the regular passport to foreign government officials who are not high ranking officials. Diplomatic visas may be issued by consuls in cases arising in an area where we do not have a diplomatic mission. The visas issued to foreign government officials are generally on the authority of a note, presented to our consulate or embassy by the foreign office of the sending government, explaining that the officials are accredited and requesting issuance of visas. The issuance of such visas is merely a formality, unless our Ambassador or consul has reason to believe that the presence of such officials is not desired in the United States. In the latter instance, the cases are referred to the Department of State for advisory opinion. Before the preparation of opinions the cases are referred to the Visa Division and to appropriate political divisions for reports. The Department weighs the political aspects of such cases against the possible offense to the foreign government of visas are not issued.

While our consuls have general authority to issue visas to foreign government officials without prior approval of the Department of State, there is, in general, reciprocity of treatment by our Government on the basis of the treatment of our officials by foreign governments. If foreign governments will not issue visas to officials of our Government without prior approval of the home office, we accord similar treatment and our consuls must submit the applications for visas to the Department of State for approval.

While the issuance of visas to foreign government officials and to representatives, officials, and employers of international organizations and their families, attendants, and employees is almost completely free of any limitations other than proper accreditation, the consuls are empowered to refuse visas where they know or have reason

[22] IV Hackworth, Digest of International Law, p. 446 et seq.

to believe that the alien is seeking to enter the United States to engage in activities endangering the public safety. Where the consul makes such a determination, the case is referred to the Department of State for an advisory opinion which is processed in substantially the same manner as in case of an official.

(3) Admission and deportation

Once it has been determined that an alien is eligible for the nonimmigrant status under section 3 (1) or 3 (7), there is little control over the admission of the alien by the immigration authorities. Under the tenth proviso to section 3 of the 1917 act and the International Organizations Immunities Act, the exclusion provisions are not applicable to such aliens and their examination at the port of entry is made only to the extent of satisfying the inspector that the aliens are properly classified as 3 (1) or 3 (7) nonimmigrants. The Immigration and Naturalization Service does not keep a record of the activities of such aliens after admission, but merely records their admission and departure. A district immigration official stated that aliens attending the United Nations or other international organizations who hold a 3 (7) visa come and go freely between the United States and Canada, and where they are returning from brief visits to Canada, their documents would be examined but no record would be made of their reentry.

While the Attorney General has the authority to deny the admission of aliens who he knows or has reason to believe intend to enter for the purpose of endangering the public safety, his authority does not cover aliens who have 3 (1) or 3 (7) visas, since they are exempted from the operation of the law by the tenth proviso. It is the position of the Department of Justice that even if the Immigration and Naturalization Service knew that aliens to whom 3 (1) or 3 (7) visas had been issued were seeking to enter to engage in activities endangering the public safety, the Service is powerless under existing law to exclude them. Such aliens are not investigated by the Immigration and Naturalization Service while in the United States unless a request for investigation is made by the Department of State. If information is received that an alien with a 3 (1) or 3 (7) visa is engaging in activities endangering the public safety, the Immigration and Naturalization Service would report the fact to the Department of State, which would then determine whether an investigation should be made.

In addition to being exempt from the excluding provisions of the immigration laws, aliens who enter under a 3 (1) and 3 (7) status are not subject to deportation without approval of the Secretary of State. It was stated before the subcommittee that while a foreign government official may discontinue his official duties and thereby bring himself within the possible deportable classes, prior approval of the Secretary of State is still necessary before he can be deported. In cases of officials whose governments have been taken over by the Communists, it is the practice of the Department of State to declare them political refugees, and while such officials do not have permanent residence status, the Secretary of State will not consent to their deportation.

The subcommittee has received several suggestions directed generally at the problem of effecting stricter control over the aliens who enter this country under a 3 (1) or 3 (7) status. A field officer of the Immigration and Naturalization Service suggested that a

liaison officer for the Service might be attached to international organizations located in this country to make the necessary checks on aliens who are connected with them. While the suggestion has merit, it is doubtful whether such action would be acceptable under the traditional manner in which foreign relations have been handled.

It was suggested by another field officer of the Service that both 3 (1) and 3 (7) nonimmigrants should be subject to deportation the same as any other nonimmigrants upon the failure to maintain status and that the requirement of prior approval of the Secretary of State for deportation be eliminated from the law. The suggestion as made seems too broad. Since the status of Ambassadors and other public Ministers rests upon a determination by the executive branch of the Government, it would be inconsistent to permit deportation because of the abandonment of that status without the approval of the Secretary of State. The subcommittee does, however, believe that the suggestion has merit with respect to those foreign officials other than Ambassadors, public Ministers, career diplomatic and Consular officers and certain representatives and officers of international organizations.

Another officer of the Service suggested that guests of 3 (1) government officials should not be included in the tenth proviso exemption from the excluding provisions of the law. The subcommittee agrees with that suggestion.

Some concern was expressed by field officers of the Immigration and Naturalization Service over the fact that the classification of government officials under section 3 (1) of the act is too broad in some instances. It was pointed out that in the past years aliens who were representatives of commercial agencies of foreign governments have been admitted under a 3 (1) status as accredited government officials and that it is a rather common practice for officials of foreign governments who come to this country as students to enter under a 3 (1) status. The opinion was expressed that the classification of government officials under section 3 (1) should be limited strictly to the class of aliens who are accredited officials of foreign governments and their families, attendants, and employees.

(4) United Nations headquarters

The location of the headquarters of the United Nations within the boundaries of the United States has presented some problems under our immigration laws, resulting from the entry of a considerable number of aliens into this country. The United States has recognized its obligations by entering into the headquarters agreement to impose no barrier against transit to and from the headquarters site by representatives to or officials of the United Nations and certain specialized agencies, as well as experts performing missions for the United Nations. accredited representatives of the press, radio, film, or other information agencies, representatives of nongovernmental organizations recognized for purposes of consultation, and other persons invited to the United Nations on official business. Representatives of members to the United Nations and other international organizations, officers, and employees and their families, attendants, servants and employees are classified as nonimmigrants under section 3 (7) of the 1924 act, as amended by the International Organizations Immunities Act, such representatives, officers, employees, and their families and are granted

the same immunities and privileges as government officials under section 3 (1). The headquarters agreement makes further provision relating to the exemptions and privileges to be accorded aliens in transit through United States territory to the United Nations headquarters district. The opinion was expressed before the subcommittee that the agreement is subject to different interpretations, is difficult to administer, and does not specify in enough particulars the manner in which such aliens are to be treated under our immigration laws. It was recommended that the agreement should be clarified.

The chief concern expressed related to the control over aliens guaranteed transit to and from the headquarters district. Aliens coming to the United States as representatives or officials of the United Nations and specialized agencies are granted 3 (7) nonimmigrant status and are entitled to the broad privileges of that status. The other categories of aliens who are guaranteed unimpeded transit to and from the headquarters district are granted 3 (2) nonimmigrant status.

Thus, while certain aliens may be inadmissible under the general provisions of the immigration laws, the United States is obligated to afford them transit to and from the headquarters. It was pointed out that if a representative of the press, radio, film, or other information agency is accredited by the United Nations after consultation with the United States and a visa is issued to him, limited for transit to the headquarters district, no one is assigned to the United Nations to see whether the recipient of the visa remains within the headquarters district.

It is not possible to deport any alien entitled to the exemptions and privileges under section 11 of the agreement for activities performed in his official capacity. With respect to activities performed outside his official capacity, such an alien is deportable under the laws of the United States, but deportation can only be enforced with the approval of the Secretary of State after consultation with the appropriate member, the Secretary General, or the executive officer of a specialized agency, as the case may be. Any aliens who are specifically granted diplomatic status under the agreement may be requested to leave the United States only in accordance with the customary procedure applicable to diplomatic envoys to the United States. It is apparent, therefore, that the aliens who are guaranteed unimpeded transit to the headquarters district and who violate the purposes of their admission are subject to deportation only under conditions similar to those applicable to government officials.

Another aspect of the headquarters agreement is discussed only briefly at this point as it will be treated more fully in another chapter of this report.[23] This involves an alien coming to the headquarters district whose desirability is questionable. It is difficult for the consular officers to investigate such alien, because the headquarters agreement requires that no impediment be placed upon the issuance of a visa. Section 6 of annex 2 to the agreement does, however, reserve to the United States the right "to safeguard its own security and completely to control the entrance of aliens into any territory of the United States other than the headquarters district and its immediate vicinity." It is the view of the Immigration and Naturalization Service that while qualified aliens are authorized to enter the

[23] See pt. 3, p. 781.

United States and proceed to the headquarters area without interference, the Service does have authority to restrict them to the territory included in the headquarters district. The value of this power is of doubtful value since 100 percent surveillance of such aliens would be necessary for it to be effective. This would be practically impossible if large numbers of aliens entered.

An official of the Department of State stated that the exchange of notes bringing into effect the headquarters agreement specifically embraced the reservations contained in section 6 of annex 2. It was stated that the State Department is in agreement with the interpretation of that provision as an expression by Congress that the right of self-defense is a premise underlying all American policy, and that while the United Nations must be assured that persons having legitimate business with the United Nations can have access thereto, any danger to national security can be minimized by granting limited access to aliens who would be otherwise inadmissible.

e. Conclusions and recommendations

The subcommittee has approached the question with an awareness of customs, traditions, and practices of international and diplomatic protocol in the conduct of foreign relations, as well as the constitutional limitations on any infringement of the prerogatives of the executive branch of this Government with respect to supervision of our foreign relations. After a careful appraisal of the information before it and the immigration laws applicable to such aliens, it is the opinion of the subcommittee that some modification in the approach to the treatment of such aliens is justified.

The subcommittee recommends that the following changes be made in the immigration laws relating to accredited officials of foreign governments and representatives and officials of international organizations, since these changes would not, in its opinion, jeopardize the conduction of the foreign relations of the United States:

1. Under the present provisions of section 3 (1) of the 1924 act, all accredited officials of a foreign government and members of their families, their attendants, servants, and employees are accorded a nonimmigrant status which entitles them to certain privileges not extended to other nonimmigrants. The subcommittee believes that the classification of those aliens should be substantially revised to restrict it to foreign officials who are not only accredited by their own government but are accepted as such by the United States. The subcommittee recommends that the nonimmigrant classification should include only (1) ambassadors, public ministers, or career diplomatic or consular officers who are accredited by a foreign government recognized de jure by the United States, and who are accepted by the President or the Secretary of State, and the members of their families; (2) other accredited officials and employees of a foreign government who are accepted by the Secretary of State and members of their families, but only on a basis of reciprocity; and (3) attendants, servants, and employees of the foregoing aliens. By limiting the "foreign official" status to two distinct categories and placing their attendants, employees, and servants in a third, the law not only is more definite as to the aliens included but also permits a distinction to be made in the exemptions to be granted to such persons.

2. It is also recommended that the international organizations representatives, officers, and employees presently entitled to a nonimmigrant status under section 3 (7) of the 1924 act should be classified in separate categories as follows: (1) A designated principal resident representative of a foreign government recognized de jure by the United States, which Government is a member of an international organization entitled to enjoy privileges, exemptions, and immunities under the International Organizations Immunities Act, accredited resident members of the staff of such representative, and members of his family, (2) other accredited representatives of such a foreign government to such international organizations and their families, (3) such accredited representatives of a foreign government not recognized de jure by the United States, (4) officers and employees of such organizations and their families, and (5) attendants, servants, and employees of any of the foregoing. This classification will facilitate a determination of those eligible for this nonimmigrant status as well as to make certain distinctions in the application of exclusion, admission and deportation provisions.

3. Under the present language of the tenth proviso to section 3 of the 1917 act, the exemption of accredited officials of foreign governments, their suites, families, or guests from the provisions of the immigration laws is too broad. First, there is no apparent justification for the inclusion of guests within the exemption. Second, a distinction should be made between officials of diplomatic rank and officials who represent their government in transactions with private individuals, such as agents of foreign purchasing commissions. It is recommended, therefore, that the exemption of foreign government officials from certain provisions of the law should be limited to those provisions relating to the exclusion, admission, and deportation of aliens, and that in all cases such aliens are to be subject to reasonable requirements of identification and documentation necessary to establish eligibility for the nonimmigrant status.

Ambassadors, public ministers, and career diplomatic and consular officials are exempted from the exclusion and deportation provisions of the law, except that they may be denied issuance of visa or admission where it is known that they seek to enter the United States to engage in activities prejudicial to the public interest or which will endanger the public welfare or safety. Consistent with constitutional limitations such authority may be exercised only under such rules and regulations as the President deems to be necessary. With the exception of certain of the provisions relating to subversives, the other classes of foreign government and international organization officials are exempted from the exclusion and deportation provisions. All the servants, attendants, and personal employees included in section 3 (1) or 3 (7) are subject to all the provisions of the law.[24]

4. At present, an alien who has 3 (1) or 3 (7) status is not subject to deportation for failure to maintain that status in the absence of prior approval by the Secretary of State. It is the subcommittee's conclusion that such approval should not be a condition precedent unless such alien has diplomatic status or is a principal representative of a foreign government to, or a principal officer of an international organization, as set forth above. Even in these cases, they should be

[24] The applicability of certain of the subversive exclusion provisions are discussed in pt 3.

deportable in the same manner as any other alien if their continued presence in the United States will endanger the public safety or security or they otherwise become members of subversive classes.

5. It is also recommended that provision be made for the adjustment of the status of a lawfully admitted permanent alien resident to that of a nonimmigrant admitted under the foreign government official or international-organization category where the alien acquires an occupational status which would entitle him to such nonimmigrant status if he were applying for admission. The subcommittee recommends that since such persons acquire the wide privileges, exemptions, and immunities applicable to such aliens under our laws, they should not have the privilege of acquiring citizenship while in that occupational status.

3. VISITORS

a. Applicable law and regulations

A visitor under section 3 (2) of the Immigration Act of 1924 is an alien admitted to the United States temporarily as a tourist, for business, or for pleasure. Through administrative and judicial determinations, eligibility for the nonimmigrant visitor status has been circumscribed with well-defined conditions.

Thus, a tourist is considered as an alien who contemplates a tour in the United States for educational, cultural, or recreational purposes.[25] A visitor for pleasure is considered as an alien who visits the United States for the purpose of rest, amusement, health, visiting friends or relatives, or sojourning temporarily, without engaging in business or employment.[26]

The term "business" as used in the section includes not only intercourse of a commercial character but any other legitimate activity of a temporary nature classified within the ordinary meaning of the word "business" but not classifiable as pleasure or labor.[27] It does not include employment contravening the contract-labor clause in section 3 of the 1917 act unless waiver of the contract-labor clause shall have been granted. The business for which the alien is coming must be temporary and not continuing or permanent in character. When an alien establishes the temporary nature of his business and his ability to depart at the expiration of the temporary period for which he seeks admission, he may be classified as a visitor for business.[28]

Regulations supplementing the statute provide that visas may be granted to the following classes of aliens seeking to enter the United States temporarily for employment, provided they are able to qualify as bona fide nonimmigrant temporary visitors within the meaning of section 3 (2):

1. An alien domestic servant accompanying his American or alien employer, who is proceeding to the United States on a temporary visit, provided it is established that he will depart from the United States with or before his employer.

2. An alien seeking to enter the United States temporarily to accept temporary employment which is specifically exempt from the excluding provisions of the alien contract-labor law by the fifth proviso to section

[25] 22 CFR 61.134 (b).
[26] 22 CFR 61.134 (c).
[27] *Karnuth, Director of Immigration, et al.* v. *United States ex rel. Albro*, 279 U. S. 231 (1929); 22 CFR 61.134.
[28] *United States ex rel. Sogolow et ux.* v. *Karnuth, District Director of Immigration*, 28 F. 2d 281 (1928). *United States ex rel., Di Rosa* v. *Day, Commissioner of Immigration*, 37 F. 2d 459 (1930).

3 of the act of 1917, but which does not involve employment as a domestic servant.

3. An alien in whose behalf the Department of Justice has waived the contract-labor provisions and whose admission has been authorized for a temporary period.

4. An alien whose temporary admission for employment has been authorized by the Attorney General in accordance with the authority contained in the ninth proviso to section 3 of the Immigration Act of 1917.

5. An alien who is a physician, dentist, or a graduate medical or dental student, and who desires to proceed to the United States temporarily for the purpose of serving an internship pursuant to a fellowship, notwithstanding the fact that he will receive room, board, and a small allowance. The contract-labor provisions of the immigration laws are not applicable in this case.

6. An alien who has no recognized official status, who is coming to the United States temporarily for recognized training purposes approved by the Commissioner of the Immigration and Naturalization Service, in an American commercial, financial, or industrial establishment, or Government agency. This is the so-called trainee category.

Under certain other circumstances, a nonimmigrant temporary visitor's visa may be issued, upon approval of the Immigration and Naturalization Service, after application by the alien's prospective employer. Visitor's visas may also be granted to alien government officials who are coming here for recognized training purposes, students in certain categories, and candidates for a religious order who cannot qualify under section 4 (c) of the act. An alien who is an official or representative of an international organization and is not coming to the United States on business for a foreign government may be granted a temporary visitor's visa.[29]

An alien admitted into the United States as a temporary visitor is required to maintain the specific status under which he is admitted. Because of peculiar circumstances, the Attorney General may, in meritorious cases, authorize a change of status from one class to another and require bond to insure departure. A visitor cannot change his status without the consent of the proper immigration authority.

In addition to aliens admissible as temporary visitors for business or pleasure under section 3 (2), the ninth proviso to section 3 of the 1917 act permits the Attorney General in his discretion to admit for temporary periods certain aliens who are otherwise inadmissible.

Aliens admitted as temporary visitors under section 3 (2) are subject to the registration and fingerprinting provisions of the Alien Registration Act.[30]

b. Procedures

(1) Issuance of visa

The procedure governing issuance of visitors' visas by consular officers is set forth in comprehensive regulations issued by the Department of State. A memorandum of instructions to consular officers from the Visa Division of the Department instructs consuls to bear in mind the following factors in the issuance of nonimmigrant visitors

[29] 22 CFR 61.136, 137, 138.
[30] 54 Stat. 670; 8 U. S. C. 451.

in order to give proper effect to the existing law and regulations: (1) Any alien destined for the United States is to be considered an immigrant, with the exception of aliens who may be classified as coming within the scope of any one of seven nonimmigrant categories in section 3 (2); (2) in order to qualify as a nonimmigrant, an applicant must overcome the initial statutory classification of "immigrant" by the presentation of satisfactory evidence that he is entitled to classification as a nonimmigrant and the burden of proof rests upon the alien; and (3) the responsibility of determining whether the alien has sustained the burden of proof that he is not an immigrant is placed upon the consular officer, who must base his decision on an objective evaluation of all the facts and circumstances of the individual case.

It was pointed out to the consuls that while it is not possible to prescribe any hard and fast rule for determining in all cases whether the applicant has overcome the presumption of immigrant classification, if any applicant for a nonimmigrant visa falls into any of the following categories, his application should receive special scrutiny:

(1) An alien who has no permanent place of abode, reasonably permanent employment, compelling business ties, or near relatives abroad, to which he might reasonably be expected to proceed upon the completion of his temporary sojourn in the United States; (2) an alien who is unable to present satisfactory evidence to show that he has both the intention and the necessary permission to enter some other country after his temporary visit in the United States; (3) an alien who is unable to establish with reasonable certainty the maximum length of time required for his visit to or transit through the United States; (4) an alien who is registered as an intending immigrant or who has been refused an immigration visa; (5) an alien with closer or more extensive family ties or other compelling relationships in the United States than in any other country; (6) an alien chargeable to an oversubscribed quota, whether or not he has actually registered as an applicant for an immigration visa, whose lack of compelling ties or interests abroad would justify a reasonable conclusion that he is seeking to avoid quota restrictions; (7) an alien who is being accompanied by most or all of the members of his immediate family, the reason for their accompanying him not being satisfactorily explained; and (8) an alien whose financial status is such that he might have to obtain remunerative employment in the United States in order to defray the expenses of his visit.

Consuls were informed that an alien should not be refused a visa simply because his case seems to fall into one of the eight categories listed above, but that each case must be considered on its own merits.

(2) Admission

(a) Time for which admitted

In general, under the regulations of the Immigration and Naturalization Service, a visitor may be admitted into the United States for whatever period is appropriate to accomplish the purpose of his temporary stay in the United States, subject to the following limitations: (1) The period shall not in any case exceed 6 months; (2) the period shall not exceed 3 months in the case of any visitor who will be sojourning in the United States in more than one immigration district; (3) the period shall not extend beyond a date which is 60 days prior

to the end of the period during which the visitor will be eligible for readmission to the country from whence he came or for admission to some other foreign country; and (4) the period shall be deemed not to exceed the time during which the visitor continues to fulfill all of the conditions of admission.[31]

(b) Conditions of admission

Under the regulations of the Immigration and Naturalization Service, an alien may be admitted into the United States as a visitor upon the satisfaction of the following conditions: (1) That he is coming to the United States for a lawful purpose; (2) that while in the United States he will not pursue any employment not specifically authorized by the immigration officials; (3) that he will leave the United States within the period of his admission or any authorized extension thereof and that he has the ability to leave; (4) that he is not subject to exclusion from the United States under any of the applicable provisions of the immigration laws or regulations; and (5) that he present whatever document or documents required by the applicable orders or regulations, including, where required, evidence of compliance with all applicable provisions of the Alien Registration Act (where a passport is required, it must be valid for at least 60 days longer than the period of admission); (6) that a bond, if required, be posted in a sum of not less than $500 to insure his departure from the United States at the expiration of the specific period of authorized stay; (7) that he agree that, if he does not depart from the United States within 3 months after admission, he will report his address to the Commissioner and will make similar reports at the expiration of each following 3-month period for as long as he remains in the United States (in the case of children, such reports shall be made by parents or guardians in accordance with the applicable provisions of the Alien Registration Act).

If the immigrant inspector is satisfied beyond a doubt that the alien is admissible as a visitor, he may admit him. If the immigrant inspector is satisfied that the alien would be admissible as a visitor, provided a bond is furnished, the inspector may refer the case to the officer in charge of the port, and, if the officer in charge concludes that the alien would be admissible provided such bond is furnished, he may admit the alien as a visitor upon the furnishing of such bond. If the immigrant inspector or the officer in charge is not satisfied that the alien applying for admission as a visitor is admissible, he must hold the alien for examination and for decision in the case by a board of special inquiry, which may exact bond as a condition of admission.

A board of special inquiry has authority to determine whether an alien who has been duly held shall be allowed to land or be deported. All hearings before the board are separate and apart from the public, but the alien may have one friend or relative present under conditions prescribed by the Attorney General. Appeal from the decision of the board may be taken through the district director at the port of arrival. Appeal will stay the operation of the board's decisions pending a final determination.[32]

[31] 8 CFR 119.1 et seq.
[32] 8 U. S. C. 153; 39 Stat. 874, 887, as amended.

(3) Extension of stay

The regulations issued by the Immigration and Naturalization Service, provide that after an alien is admitted as a visitor, he may, upon proper showing, be granted an extension or extensions of the period of his admission, subject to all of the following conditions: (1) All extensions are subject to the same time limitations as are placed on original admissions; (2) the alien must establish that he has fulfilled and that he will continue to fulfill all applicable conditions of admission; (3) if the original admission was for 29 days or less, an extension may be granted only in an emergency or other extraordinary case; (4) in any case where the granting of the extension would authorize the visitor to remain in the United States for a period not exceeding 1 year after arrival, the district director having jurisdiction may, in his discretion, require, as a condition precedent to the granting of the extension, that the visitor furnish bond, continue to furnish bond, or to furnish bond in a greater sum; and (5) no extension which would authorize the visitor to remain in the United States for a period exceeding 1 year after arrival shall be granted without a bond of not less than $500, such bond to be in the form and to contain the conditions prescribed, unless the Commissioner has specifically authorized in advance the granting of the extension without bond or with bond in less sum.[33]

Application for an extension of stay must be made approximately 30 days before the expiration of the period of admission or previously authorized extension thereof to the district director of the district in which the visitor is staying at the time the application is submitted, accompanied by all the required data.

The district director is authorized to grant the extension, and his decision is final. If the applicant has gone to another district and further information from him is needed, the district director may send the application to the other district for final action. The district director is required to submit a report to the Commissioner of the grant of any extension of stay which authorizes a visitor to remain in the United States for a period of more than 2 years after arrival.

After notification of a visitor of the decision on an application for extension of stay, the district director is required to notify the officer in charge at the port of admission of the terms of the decision.[34]

All applicants for extension are required to fill out a formal application blank and some who come to a field office are interrogated. In less than 10 percent of the cases is an actual investigation made. In some instances, an alien may informally request another week or two to finish up his business and depart. This request is usually granted but is not considered an actual extension under the regulations.

Field officers generally stated that the new regulations, placing authority to grant or deny extensions of stay in the hands of the district directors, should result in more effective control of visitors, and that under the former procedure, too much time was lost in routing the application for extension to the central office.

It is the opinion of the subcommittee that a persuasive reason for the extensions should be required. Under the present procedure,

[33] 8 CFR 119.4.
[34] 8 CFR 119.12.

the applicant need only show that he is maintaining status. The desire to remain in the United States grows stronger with the increase of time spent here and it becomes more difficult to obtain departure of aliens in proportion to the period of their residence in this country. There is a difference of opinion on maximum period of stay which should be permitted. One official of the Immigration and Naturalization Service recommended that no extension of stay should be granted to permit a visitor to remain more than 2 years from the date of his original admission, while another such official stated that the maximum period should not exceed 1 year.

Further decentralization has been suggested in several instances, to permit the officer in charge, rather than the district director, to grant or deny applications for extensions of stay. Field officers suggested that if well-defined standards for extensions were established, such as verified proof of maintenance of status and demonstration of a real need for extension, it would be more efficient to permit the officers in charge to handle applications. They asserted that this would save a great deal of paper work and delay and that the officer in charge can interview the applicants personally and observe their actions and demeanor rather than rely on a paper record.

The following table shows the number of alien visitors in the United States, from 1 to 5 years after the date of their admission, on authorized extensions of stay. Though some may seem to have remained an exceptionally long time, such prolonged sojourns may be due to sickness, specialized medical treatment, inabil ty to return home because of fear of persecution, or other similar emergency conditions.

Nonimmigrant aliens admitted as temporary 3 (2) visitors from July 1, 1944, to June 30, 1948, who were in the United States on June 30, 1948, on granted extension of original periods of admission were as follows: [35]

Admitted as visitors during—	
1944	63
1945	242
1946	931
1947	3,714
1948	5,720
Total	10,670

(4) *Arrest and deportation*

Failure of an alien visitor under section 3 (2) to depart from the United States at the expiration of the period for which he was originally admitted or the last extension thereof subjects him to arrest and deportation. Any visitor who has overstayed the lawful period of his stay and who is subject to being taken into custody but who is about to depart from the United States, may be permitted, in the discretion of the district director, to depart voluntarily from the United States.

The regulations of the Immigration and Naturalization Service provide that an alien admitted as a visitor shall be deemed to have remained in the United States for a longer time than permitted under the law and regulations within the meaning of section 14 of the 1924 act if he (1) remains in the United States after the expiration of the period of time for which he was temporarily admitted or the expiration

[35] From table 19, Immigration and Naturalization Service Report for the year ending June 30, 1948.

of any authorized extension; (2) violates or fails to fulfill any of the other conditions of his admission to or extended stay in the United States; (3) evidences orally, in writing, or by conduct an intention to violate or to fail to fulfill any of the conditions of his temporary admission to or extended stay in the United States.

An alien admitted as a visitor shall be subject to arrest and deportation if he remains in the United States for a longer time than permitted, or if he is found not to have been entitled to visitor status at the time of his entry.[36]

The procedures relating to the issuance of warrants of arrest and deportation proceedings are treated elsewhere in this report.[37] Likewise, the availability of suspension of deportation proceedings under section 19 (c) of the 1917 act is treated elsewhere.[38]

c. Statistics

Alien visitors include nonresident aliens entering the United States for temporary periods for business or for pleasure. Travelers between the United States and the insular possessions are not included in the count of visitors nor are commuters and others who frequently cross the international land boundaries. In general, aliens admitted into the United States at land boundaries for 30 days or more are included in the statistics. Agricultural laborers admitted under the act of April 29, 1943, as amended, are included in the statistics as nonimmigrants if they came by sea from the West Indies. Agricultural and railway track laborers admitted from Mexico are not included.

The numbers of visitors to the United States have increased enormously in the last 3 years over the prewar period. During the period from 1926 to 1930, the average number of visitors for business was 21,000 and the average number for pleasure was approximately 40,000 per year.

The number of visitors for business and for pleasure, respectively, were 79,634 and 134,924 for fiscal year 1947, and 78,876 and 206,107 for 1948. The increase is due to a large extent to the program for bringing in agricultural labor by waiver of the contract labor clause under the ninth proviso or by special legislation. The number of visitors for pleasure during fiscal years 1947 and 1948 ranged from 300 to 600 percent over the number admitted during the years from 1926 to 1940. During the war, with the limited transportation facilities available, the number of visitors dropped to a low of 7,924 in 1943.[39]

The postwar increase may be accounted for to some extent by accumulated demand that could not be supplied during the war and by increase of international trade, but it appears that a disproportionate number of visitors, both for business and pleasure, came from the smaller quota countries of Europe. The number of visitors from Greece, Spain, Poland, Yugoslavia, Czechoslovakia, Portugal and the Netherlands increased tremendously and the quota for each of these countries is oversubscribed indefinitely.[40]

These statistics suggest that the visitor route was being used as a convenient detour to gain admission into the United States when the quotas for permanent residence were closed.

[36] 8 CFR 119.5.
[37] See p. 624.
[38] See p. 595.
[39] See appendix XII, table 20, p. 901.
[40] See appendix XII, table 8, p. 891.

A comparison between the number of visitors by country of birth and the number of visitors by country of last permanent residence, for the fiscal years 1946 and 1947, shows a great discrepancy in a number of instances. In 1946 and 1947, there were 10 and 28 visitors, respectively, from Russia or who gave Russia as the country of last permanent residence, whereas 1,981 and 2,759 visitors, respectively, gave Russia as the country of birth.

In 1946, there were 3,393 visitors who gave Spain as their country of birth, but only 722 visitors gave that country as their country of last permanent residence; in 1947, 5,146 gave Spain as their country of birth and only 1,385 gave it as the country of their last permanent residence. A total of 2,599 visitors gave Poland as the country of birth in 1946 and 4,185 in 1947, while 85 gave Poland as the country of last permanent residence in 1946, and 184 in 1947. Whatever the reasons for this movement to the United States, which may or may not be as a result of conditions in eastern Europe, certainly the inference may be drawn that "dislocated" persons are entering the United States as visitors.

Despite the great influx of visitors during the past 3 years, there is still no satisfactory departure control or record maintained. An official of the Immigration and Naturalization Service stated that the records show that 3,475,114 nonimmigrants entered the United States between July 1, 1924, and June 30, 1946, and that it is assumed that they depart from the United States when the purpose of their temporary stay has been accomplished. It was further stated that the number of nonimmigrants who may have overstayed is unknown, since there is no requirement under the present law to make an absolute check of the departure of each person who came in for a temporary purpose.

During the same period, the number of aliens admitted as immigrants was 2,276,400, approximately 65 percent of the number admitted as nonimmigrants.

The number of visitors in the United States at the end of December 1949, was 82,382; of these, 66,733 were in legal status and the departures of the remaining 15,649 visitors had not been verified. While this last figure is not a large number compared with the total population of the United States, it is about 10 percent of the yearly quota for immigrants and is for only 1 month.[40a] Until an accurate method of checking and controlling departures is installed, this problem will continue.

d. Comment on practices and problems relating to visitors

(1) Control

Aliens desiring to enter the United States as visitors for business or pleasure under section 3 (2) of the act must first obtain a visa, and the consular officer is the sole authority for its issuance. Although the consular officer may interrogate a visa applicant to determine whether or not he is a bona fide nonimmigrant, he actually does not have adequate facilities to make an investigation of the true facts in each case, nor can he require any material guaranty of the applicant's intention to leave at the termination of his period of admission or that he will maintain visitor status.

[40a] Monthly report—form 1-120 (revised)—December 1949.

The opinions expressed before the subcommittee overwhelmingly supported the contention that the only practical control of visitors is at the source.

It was pointed out that the use of immigrant inspectors on boats arriving to the mainland from Hawaii has proved very effective in weeding out aliens who are not bona fide nonimmigrants. It was stated that the failure or inability of consuls abroad to obtain proper addresses in the United States through which the visitors may be located is one of the biggest impediments to proper control. It was observed that a great number of aliens are entering who should not have been given visitor visas, since they intended to be immigrants from the beginning and frequently give false addresses in the United States so that they cannot be found.

Another difficulty in the control of visitors is the inability to check on those who violate their status by seeking employment. Officials of the Immigration and Naturalization Service suggested that any alien seeking a social-security card should be required by law to obtain from the Service a certificate that he is a lawful resident alien, in order to be permitted to obtain work.[41]

The greatest problem of control is to locate the visitor when contact with him is desired. Under the present procedure, the district office at the port at which a visitor enters is responsible for his departure at the expiration of his period of admission. When his name appears in the tickler file, a check is made to see if a notice has been received from a port of departure. If not, the district office must start looking for the alien at his last known address. If the alien has moved without reporting his address, as required under the Alien Registration Act, the problem of locating him and requiring his departure becomes difficult. The majority of the Service officials who testified at the hearings favored control of the visitors by the office in the district in which he is sojourning rather than the office in the port of entry, although the effectiveness of any system will depend on the amount of investigative manpower available to inquire into the status of visitors.

Under the present system, the officials in a district may have no knowledge of an alien's presence unless he applies for an extension of stay or until they are notified of the visitor's failure to depart by the port of entry. While this system eliminates a certain amount of paper work, there is a loss of time in requiring departure of overstay cases and considerable difficulty in locating status violators. It has been suggested by officers of the Immigration and Naturalization Service that visitors be required to report their arrival and departure in districts or localities, either by mail or in person at periodic intervals, or to report to the police or sheriff in any locality within 48 hours after arrival.

(2) Admissions under the ninth proviso

The ninth proviso to section 3 of the Immigration Act of 1917 permits the Attorney General, in his discretion, to admit for temporary periods certain aliens who are inadmissible to the United States.

Under the ninth proviso there is vested a power in the Attorney General whereby, if he were so disposed, he could admit an unlimited number of aliens into the United States, subject only to the condition that the admissions must be predicated on a finding that the alien is

[41] See also ch. III, sec. H., p. 330.

coming to the United States for a bona fide temporary stay. Officials of the Service expressed the view that there is danger in the latitude given under the ninth proviso and that it should be repealed or certainly restricted, since Congress could legislate to meet any emergency condition that might arise. Repeal of the ninth proviso was also urged because it vests discretionary power to permit the entry of ineligible aliens, criminals, unemployables, and others who do not constitute assets but rather are detriments to the welfare of the American people.

The shortage of agricultural labor during the war led to requests for permission to recruit farm workers without the land borders of the country. On August 4, 1942, an agreement providing guarantees for wage rates, living conditions, and repatriation of workers was entered into between the State Department and the Mexican Government. Similar agreements were made by the State Department with the governments of the Bahamas and Jamaica, West Indies, on March 16, 1943, and April 5, 1943, respectively. In each case, advance authority was granted by the Attorney General under the ninth proviso for the temporary admission of farm workers.

An agreement was entered into on April 30, 1943, concerning the importation of railroad track and maintenance-of-way laborers from Mexico, and on May 6, 1943, the Attorney General authorized admission, under the ninth proviso, of 6,000 such laborers. Authority was subsequently granted for the admission of 9,360 laborers for track work and the icing of refrigerated-car bunkers. By June 30, 1943, 7,068 laborers had been admitted under international agreements.

These agreements provided generally for exemptions from certain requirements of the immigration laws and guaranteed transportation and subsistence from place of recruitment to the place of employment, including hours and wages equal to those paid United States labor. The number of laborers to be imported was to be decided by the foreign country. Special legislation providing for the importation of agricultural laborers was passed in April 1943. On February 14, 1944, pursuant to additional legislation, provision was made for importation of workers in other branches of the food industry.

During the fiscal year ending June 30, 1944, 97,011 laborers were admitted under the ninth proviso, 74,632 from Mexico (including 48,024 railway workers), 15,673 from Jamaica, 4,762 from the Bahamas, 1,036 from Newfoundland, and 908 from Barbados Island. At the close of the fiscal year, 82,098 such laborers remained in this country. Permission was also granted for the importation of Canadian woodsmen and, due to their unstable character, it was necessary to bring in 11,326 to keep about 3,000 at work.

During the fiscal year ending June 30, 1945, the great majority of alien laborers admitted came pursuant to special legislation enacted for that purpose and it is estimated that less than 1,000 unskilled nonagricultural alien laborers were authorized to enter under the ninth proviso. The same conditions prevailed the following year.

In the fiscal year 1947, there were 617 applications under the ninth proviso, involving 6,088 aliens. Seventy-two of the applications were for permission to import 5,534 unskilled contract laborers for employment in the United States. Most of the other applications were from aliens excludable for mental or physical defects, criminals, aliens desiring to visit sick relatives, or aliens already in the United States

who desired an extension of temporary stay. Of the 617 applications, 491 (80 percent) were authorized and 126 denied.

During the fiscal year 1948, with the expiration of some of the legislation for importation of unskilled laborers, the ninth proviso was employed in more instances than previously. Under an agreement with the Mexican Government on February 21, 1948, approximately 11,000 laborers were admitted and about 12,000 already temporarily employed in the United States had their employment recontracted under the proviso. Authority was also granted for the importation of some 10,000 British West Indian workers and 2,000 Canadian unskilled farm laborers and industrial workers, and discussions were carried on looking toward the bringing in of some 7,000 Canadians for temporary employment in Maine as potato pickers. Exclusive of the agricultural laborers admitted from Mexico, there were 628 applications under the ninth proviso, involving 6,009 aliens. Eighty-nine of the applications were for permission to import 5,456 unskilled contract laborers. Of the 628 applications, 551 (88 percent) were authorized, while 77 were denied. [41a]

(3) Border crossers

In order to facilitate traffic on the Canadian and Mexican borders, and ease, to some extent, the burden on the immigrant inspectors at the ports of entry and departure, two types of border-crossing identification cards have been instituted under the authority of section 30 of the Alien Registration Act of 1940: One for resident aliens and the other for nonresident aliens.

A resident alien's border-crossing identification card is a document which may be issued to (1) a lawfully resident alien who wishes to visit Canada or Mexico for a period or periods of less than 6 months, which may be presented by him as prima facie evidence that he is returning to a lawful permanent residence, and (2) an alien who has been admitted for lawful permanent residence but who resides in foreign contiguous territory and is employed in the United States, the so-called commuter.

A nonresident alien's border-crossing identification card is a document which may be issued to (1) a citizen of Mexico residing or domiciled in that country or (2) a Canadian citizen or other British subject residing or domiciled in Canada who wishes to enter the United States for temporary visits. The cards may be presented by the alien as acceptable permits to enter. This card was designed to be used normally in the case of temporary admission for a period or periods of not more than 29 days each. Under the regulations of the Immigration and Naturalization Service,[42] cards may also be issued to Canadian citizens entering the country temporarily across the Canadian border on a visit of less than 6 months for business or pleasure.

The following border crossers, in the absence of a valid visa or reentry permit, must have in their possession an alien's border-crossing identification card: (1) Lawfully resident aliens of the United States who wish to visit in Canada or Mexico for a period or periods of less than 6 months, (2) an alien lawfully admitted to the United States for permanent residence but who resides in contiguous territory of Canada

[41a] Immigration and Naturalization Service Annual Reports, 1944, p. 11; 1945, p. 15; 1946, p. 17; 1947, p. 17; 1948, p. 28.
[42] 8 CFR 166.11; 8 CFR 175.48 (gg), 176.107 (w).

or Mexico and is employed in the United States; or (3) citizens of Mexico who wish to enter the United States for a period or periods of not more than 29 days.

The following border crossers do not need to have in their possession alien's border-crossing identification cards: (1) Citizens of the United States, (2) Canadian citizens entering the United States across the Canadian border on visits of less than 6 months for business or pleasure under a waiver of documentary requirements as set forth in the regulations of the Immigration and Naturalization Service,[43] and (3) British subjects domiciled or stationed in Canada who wish to enter the United States for temporary visits of less than 30 days for business or pleasure, if they have assurance of readmission into Canada or some other country.[44]

Mere possession of a nonresident's border-crossing card is not a guaranty of admission into the United States. Upon presentation of a card at the port of entry, the applicant may be questioned to determine his eligibility as a bona fide visitor for business or pleasure and, if the immigrant inspector is not satisfied that the applicant qualifies, he may hold him for a hearing before a board of special inquiry to determine whether he should be admitted or excluded. There are frequent exclusions under the bona fide nonimmigrant requirement, sometimes running as high as 40 percent of the applicants. The usual border-crossing card is limited to 1 day, chiefly for shopping or visiting friends, and is limited to the immediate vicinity of the border. Any border-crossing-card holder wishing to enter the interior of the United States must obtain a special permit.

It has been established that numerous holders of nonresident border-crossing cards have violated their status and remained in the United States, and in view of the tremendous numbers of persons who cross our borders each year, violations have become a serious problem. During the fiscal year ending June 30, 1948, there were 38,892,545 crossings of our land borders of Canada and Mexico by aliens. The number has practically doubled since the prewar period. Approximately the same number of crossings were made by United States citizens.

It has been suggested by officials of the Immigration and Naturalization Service that the use of id ntification cards be encouraged at the borders so that the inspectors could devote more time to the examination of applicants for entry who have no documents. The issuance of border-crossing cards to all entrants would permit a thorough investigation before issuance.

Officials stationed along the Mexican border recommend that Mexican nationals should be permitted to enter border towns without nationality documents but should be required to obtain visitor's visas to enter the interior, and that the officer in charge should be granted authority to take up or cancel the border-crossing cards.

Suggestions were also made that the border-crossing cards should be renewed each year, and that the alien be required to furnish positive proof of continued eligibility for the use of the card. Under the present regulations, an alien who violates the conditions of his admission by overstaying the period of his admission, leaving the area to which he is limited geographically, or by working, may be

[43] 8 CFR 175.48 (gg), 176.107 (w).
[44] 8 CFR 176.107 (q).

arrested and have his border-crossing card taken away from him. If he is deported, he is not permitted to reapply for admission for at least 1 year and then only with permission from the central office.

The work involved in handling border-crossing cards may be best illustrated by the following table showing border-crossing-card action for the fiscal year 1947:

1. Border-crossing identification cards issued:	
Resident aliens	69, 084
Nonresident aliens	39, 218
Preexamination	774
United States citizens	4, 312
Total	113, 388
2. Border-crossing cards revalidated or renewed:	
Resident aliens	210, 445
Nonresident aliens	4, 156
United States citizens	182
Total	214, 783
3. Border-crossing identification cards denied:	
Resident aliens	1, 475
Nonresident aliens	3, 061
Total	4, 536

(4) Cuban waiver

Applicants for visitors' visas from Cuba increased to such an extent that the consular office there was unable to handle them. In the summer of 1945, it was estimated that there was a backlog of several thousand applications, the majority of which were from well-established businessmen and salesmen who traveled to the United States two or three times monthly. In view of this condition, the Secretary of State, by virtue of the authority granted him under section 30 of the Alien Registration Act of 1940, waived the visa requirement for native-born Cubans who wished to come to the United States as visitors for business or pleasure for 29 days or less. This waiver, granted in August 1945, was amended in October 1946 to require that such visitors enter the United States directly from Cuba. The waiver is still in effect, and the only document needed is a valid passport. Naturalized citizens and alien residents of Cuba who desire to enter the United States as visitors must possess valid passports and obtain visitors' visas.

There is no examination in Cuba by either the Immigration and Naturalization Service or by the consular officer of visitors entering under the 29-day waiver. The applicant is examined at the port of entry the same as any other nonimmigrant alien and, if the immigrant inspector is satisfied that he is a bona fide visitor, he is admitted. The chief port of entry of this class is Miami, Fla., and the majority arrive by air. It is customary for immigrant inspectors to travel on the boats from Cuba to Miami and conduct their interviews with the applicants for admission during the trip. All names on the manifest are checked against the lookout files before the inspectors begin their examinations.[45]

The consulate has no facilities for making outside investigations of applicants for visas, but it does have a lookout file which is checked

[45] The number of visitors admitted from Cuba from 1942 to 1948 is given in appendix XII, table 21, p. 901.

to weed out undesirables. In exceptional cases, the Cuban office of the Immigration and Naturalization Service assists by making investigations where requested by the consular office. According to Cuban police records, there were 322,731 aliens registered in Cuba in November 1948. There were also several thousand known aliens who had not registered. It was stated before the subcommittee that many of these aliens are using Cuba as a stepping stone for admission into the United States, legally or illegally. Aside from the individual's original intentions in coming to Cuba, the Cuban 50-percent law tends to cause these aliens to seek to migrate to the United States. This law, promulgated in 1933, forbids any and all business firms from hiring more than 50 percent foreigners and provides that any foreigner who resigns or is dismissed must be replaced by a Cuban national.

The Immigration and Naturalization Service has been considering the establishment of a preexamination procedure in Cuba for those who wish to come to the United States under the 29-day waiver provision, in order to better screen out the undesirables and illegal aliens and facilitate the entry of legitimate visitors and businessmen. It has been learned through experience that the majority of status violators and overstays come from the 29-day-waiver class. It would be much easier to investigate the doubtful cases in their home areas. The Service is frequently called upon to verify the departure from the United States of aliens who have given fictitious addresses of sojourn in the United States or whose letters of reference are forged. A preexamination procedure would tend to eliminate these abuses and act as a deterrent to others considering attempts at illegal entry. It is estimated that for every nonimmigrant visa issued by the Havana office, three persons come to the United States under the 29-day waiver.

e. Conclusions and recommendations

The inability to control alien visitors to the extent of enforcing departure at the end of their period of authorized stay is a serious weakness in our immigration system. Undoubtedly, the most effective control would be achieved through a thorough investigation of each applicant in his area of origin to screen out the undesirables and intending immigrants. Since consular officers have no facilities for investigations, this would probably involve the transfer of trained immigration personnel to the consulates to carry out such a program. In addition to the expense involved, another possible hindrance would be the necessity of obtaining permission from foreign governments to allow the investigations by United States officials in foreign territory.

In the event investigation and examination cannot be conducted at the source, better controls must be instituted in this country to handle the problem. All persons entering the United States, by any method of travel, should have some official document or means of identification, issued by a governmental agency. It does not appear that any substantive changes in the law are required with respect to the control of visitors other than to provide that these aliens must have a fixed domicile which they have no intention of abandoning. There is a large area for improvement in the administrative controls of visitors. The subcommittee believes that more effective adminis-

trative control could be obtained by investing the prime responsibility for control in the office in the district in which the alien is sojourning rather than in the office in the district in which the alien entered.

It is recommended that consular officers be granted authority to deny issuance of a visa on any ground upon which the alien could be excluded when applying for admission at a port of entry. That procedure should greatly assist in eliminating the entry of undesirable visitors.

4. TRANSITS

a. Applicable law and regulations

The Immigration Act of May 19, 1921, exempted from the temporary percentage limitations on immigration into the United States, all aliens in continuous transit through the United States. When the act was amended the following year, this section was left unchanged.

In the present immigration law transits are identified only in a negative manner. Aliens in continuous transit through the United States are among those exempted from the definition as immigrants.[46] Transits are defined, however, by regulations of both the State Department and the Immigration and Naturalization Service as any alien who enters the United States with the intention of remaining not longer then 60 days while en route to a foreign country, other than the one from which he embarked.[47] Section 15 of the 1924 act provides that transits under section 3 of the act shall be admitted for such time and under such conditions as may be prescribed by regulations to insure that, at the expiration of such time or upon failure to maintain the status under which the transits were admitted, they will depart from the United States.[48]

b. Procedures

(1) Issuance of transit certificates

The regulations of the State Department provide for the documentation of transits through the issuance of transit certificates which are essentially similar in character to passport visas but carry fewer privileges. A transit certificate is valid for a single journey to the United States within a period of 12 months.[49] The alien may not remain in the United States longer than 60 days,[50] but the transit certificate allows him to reenter the country after a trip to Canada or Mexico if within the 60-day period.[51]

Transit certificates are obtained from American consular officers overseas.[52] The alien usually makes his application to the officer in whose district he resides,[53] although he may make application outside his home district if notification is made to and clearance obtained from his home district.[54] In order to expedite this procedure, notification and clearance may be made by telegraph at the alien's expense. In emergency cases where the principal consular officer is satisfied beyond a doubt of the alien's bona fide nonimmigrant status and admissibility

[46] 43 Stat. 153; sec. 3 (3), 8 U. S. C. 203 (3).
[47] 22 CFR 61.145; 8 CFR 118.1.
[48] 43 Stat. 153; 8 U. S. C. 215.
[49] 22 CFR 61.153 (a); 22 CFR 61.116 (a).
[50] 22 CFR 61.145.
[51] 22 CFR 61.153 (a).
[52] 22 CFR 61.148 (a).
[53] 22 CFR 61.148 (c).
[54] 22 CFR 61.148 (c); 22 CFR 61.112 (d).

at a port of entry, he may authorize the issuance of a passport visa without prior clearance with the consular officer in the alien's home district. If this emergency action is taken, the consular officer in the home district must be notified immediately, in full detail, of the issuance of the transit certificate and he, in turn, must notify the Department of State immediately if it appears that the alien concerned is excludable at a port of entry.[55]

Transit certificates are usually granted to an alien for one transit through the United States, but an alien may be granted a transit visa, or more than one certificate, which he may use for more than one application for admission in transit.[56] It is also possible to acquire group transit certificates for bona fide nonimmigrants in any case in which the Department of State specifically authorizes the issuance of such a certificate.[57]

Exempt from the requirements for transit certificates are diplomatic officials, their families, accompanying attendants, servants, and employees or members of the armed forces of a foreign government, who may be granted gratis passport visas as nonimmigrants in transit.[58]

The burden of establishing that one is a transit and classifiable as such under section 3 (3) of the act rests upon the alien. He must establish proof either of domicile abroad in his home country or that he is proceeding to take up domicile in some other foreign country. He need not prove that he is taking the most direct route to the foreign destination, as it is permissible for him to visit or sightsee while enroute in the United States.[59]

The transit certificate is stamped directly upon the passport of the alien and states merely that the alien is about to pass through the United States in transit to a given country, giving the names of the ports of entry and departure, as well as the dates of entry and departure. If the certificate is to cover more than one person, the names of the persons included in the passport are listed below the certificate with the statement that the transit certificate covers them.[60] All transit certificates must have affixed to them a photograph of the alien. There are no fees for issuance of transit certificates.[61]

It is specifically provided by State Department regulation that no transit certificate is to be placed on a travel document which has been issued by a government not recognized by the Government of the United States, but is stamped on a special State Department form.[62]

The passport upon which the transit certificate is stamped, must be valid for a period of 60 days beyond the length of time necessary for the transit journey or the alien must be in possession of some additional official document which is valid for the additional 60-day period. The alien must also have a visa or some other assurance of admittance into the country of his stated destination. If he has only a visa for entrance into the country of his stated destination, he must show that in the event of his rejection by that country he will be able to

[55] 22 CFR 61.148 (c); 22 CFR 61.112 (d).
[56] 22 CFR 153 (b).
[57] 22 CFR 61.147.
[58] 22 CFR 61.146 (a).
[59] 22 CFR 61.149 (a).
[60] 22 CFR 61.151 (a) (b).
[61] 22 CFR 61.154.
[62] 22 CFR 61.152.

return to the country from which he is departing or that he will be able to enter some other country.[63]

The consular officer is responsible for determining whether an alien is properly classifiable as a transit, although he may be assisted in reaching his decision by the Department of State, which advises him on points of law or does investigating for him in the United States.[64] Assistance of the consular officer in the home district of the alien may be requested in the case of an alien who applies in a district other than that of his home.[65]

State Department regulations specifically provide that transit visas shall be refused for the following reasons: (1) When it is established that the primary purpose of the trip to the United States is for reasons other than transit; (2) when the alien fails to establish his nonimmigrant status; (3) if it is found that the alien is coming to the United States to engage in activities dangerous to the public safety; to violate the laws of the United States; is afflicted with a loathsome, dangerous, or contagious disease; if the alien is mentally defective or morally delinquent so that his presence would be a public menace; if the alien is subject to exclusion as a subversive; or if the alien was deported or removed from the United States and permission for his return has not been granted by the Attorney General in the first instance or by both the Attorney General and the Secretary of State in the second instance.[66] The findings of the consular officer in refusing a transit certificate are noted on the consular office copy of the alien's application for the certificate.[67] If the consular officer has reason to believe that the alien may endeavor to obtain a transit visa or certificate elsewhere for entry into the United States, he reports this to the State Department.[68]

Refusal cards are always prepared by the consular officer when a transit visa is refused either on security grounds or on grounds on which the alien is mandatorily excludable. The refusal card is retained in the consular office and a copy is sent to the supervisory consulate general or other central clearing office in the country of application and a copy is sent to the central clearing office in the country of birth of the alien when he has applied elsewhere than in his home district.[69] If an alien is refused a transit visa on the ground of public safety, the consular officer notifies the Department of State.[70]

When the consular official has reason to believe that even though the alien qualifies for a transit certificate, he may be excluded under the immigration laws at the port of entry for some reason such as failure to pass the literacy test, he warns the alien that such may be the case. In other instances where the inadmissibility of the alien is not apt to be readily ascertainable at the port of entry, the consular officer notifies the Department of State so that it may in turn notify the immigration authorities. In urgent cases, the immigration port authorities are notified directly by the consular officer.[71]

[63] 22 CFR 61.149 (b).
[64] 22 CFR 61.119 (b).
[65] 22 CFR 61.148 (c).
[66] 22 CFR 61.119 (a); 22 CFR 61.155 (a), (b).
[67] 22 CFR 61.119 (c).
[68] 22 CFR 61.155 (d).
[69] 22 CFR 61.351.
[70] 22 CFR 61.119 (f).
[71] 22 CFR 61.119 (d).

(2) Admission

As in the case of other types of visas, a transit certificate does not guarantee entry into the United States, but rather only entitles the alien to present himself at the port of entry. Regulations of the Immigration and Naturalization Service supplementing the immigration laws control admissibility when the alien reaches this country. These regulations provide that a transit may be admitted for a 60-day period. He is admitted, however, only if it is established that (1) he is not an immigrant, (2) he will depart at the end of the 60-day period, (3) that he is not a member of any one of the excluded classes set forth in the Immigration Act of 1917, and (4) he does not seek the transit privilege for the purpose of evading or violating any of the provisions of the immigration laws.[72] Transits falling into one of the excluded classes are refused permission to enter in the same manner as an alien immigrant. Where refusal would involve excessive hardship the case may, however, be reported to the central office for a special ruling.[73]

The Attorney General may require that an alien in transit be accompanied by immigration officers to insure his passage through and out of the United States without unnecessary delay. The Attorney General may also require bond of not less than $500 conditioned on the alien's continuous passage through and out of the United States within a reasonable time, not to exceed the 60-day period.[74]

(3) Deportation of transits

The regulations of the Immigration and Naturalization Service provide that transits failing or refusing to leave and found in the United States after the expiration of the 60-day period shall be deemed to be unlawfully in the United States and shall, on warrant of the Attorney General, be taken into custody and deported in accordance with section 14 of the Immigration Act of 1924.[75]

c. Statistics

The statistical material available on the number of transits now in the country is not complete nor are figures available on the number of transits deported or removed from the country. As of June 30, 1947, there were a total of 299 transits in the country who had been granted extensions of stay, 260 of whom had entered in 1947, 29 who had entered in 1946, 9 of whom had entered in 1945, and one who had entered in 1944.[76] This is significant, since due to its very nature, a transit certificate is not usually renewed. As pointed out by an official of the Service, it is only in exceptional cases, such as in the event of sickness, that extensions are granted.

There are many thousands of transits in the country who have overstayed their 60-day period, but have made no application for extension of stay. As of June 1948, there were 22,273 transits in the country whose departures had not been verified and there were over 4,000 transits under investigation for failure to depart.

[72] 8 CFR 118.2.
[73] 8 CFR 118.6.
[74] 8 CFR 118.4.
[75] 8 CFR 118.7.
[76] Immigration and Naturalization Service, Annual Report, table 19.

The available statistical information indicates that an increasing number of aliens are entering the country as transits in comparison with the total number of aliens who enter the country each year.[77]

d. Comment on problems relating to transits

The opinion was expressed by officials of the Visa Division of the State Department that one of the chief reasons for the large number of alien transits who are in this country illegally is that they had no intention at the time of their entry of going on to a third country. The Visa Division officials testified that the Division had found instances in which aliens who had acquired transit certificates in bad faith had either thrown their permission to enter a third country into the ocean or had destroyed it after reaching the United States. Other aliens after admission, called on the foreign consulates of the country of their stated destination and had persuaded them to cancel their permission to proceed there. Some alien transits stayed in this country until their permission to enter the third country expired. In a large number of cases the country from which the alien comes declines to receive him back unless he is a citizen or subject, and since many persons do not enter from the country of their birth, the United States cannot deport them.

Officials of the Immigration and Naturalization Service also stated that many of the transits in this country are persons who entered with the intention of remaining and never going on to the country of their stated destination. One official reported that transits sometimes come to officers of the Service in the field and admit frankly that they never intended to leave the United States. He added that sometimes "it becomes apparent to me that there may be something of international flavor to the presence of * * * [the transit] in this country, even though on a transitory basis."

Another official of the Service commented:

> It has been our experience that aliens have been admitted in transit with valid visas to some other country, and within a few days their visas have been canceled and they are not permitted to go to those other countries. Then we have them on our hands. Right now our practice is that we try to get them right out to the country of destination as soon as possible * * * In other words, they will say, "Now, I want to be admitted to visit some relatives or friends of mine in Brooklyn before going on to Venezuela." In many of those cases we do not admit them, but accompany them over to LaGuardia Field and put them on a plane and send them on their way.

The subcommittee was informed by an official of the Immigration and Naturalization Service that there is such a backlog of investigations on transits illegally in the country that an order of precedence has to be set up on investigations, especially in the New York, Los Angeles, and Detroit districts. Little or no free-lance investigation is done in those districts, but rather, investigations are being made only of those cases that are pointed out to those offices.

One of the main reasons for the problem is the fact that transits are eligible for suspension of deportation. Thus a wife and child may come in from one country under the quota of that country; the husband may come in on a transit visa from a country with an over-

[77] For statistical material on the admission, departure, and status of transits, see appendix XII, tables 22 to 25, pp. 901-903.

subscribed quota, with no intention of going on to another country, but the husband may be eligible for suspension of deportation.

A number of suggestions were received by the subcommittee to improve the enforcement of the law pertaining to transits.

It has been suggested by officials of both the State Department and the Immigration and Naturalization Service that transits, before being granted permission to enter the United States, be required to deposit with administrative officials documentary proof of their permission to enter some foreign country to which the transits could be deported if necessary. This requirement would remove the excuses most frequently relied upon by transits that their visas to third countries, their passports, or other documents have expired, are void, or have been lost.

An official of the Visa Division suggested that there should be concluded with the other countries reciprocal agreements under which they would agree to accept back any person who came to this country from their territory irrespective of his nationality status. It was pointed out, however, that these agreements would, of course, work both ways. Thus, the United States would be required to receive back into the United States all persons leaving here regardless of nationality and regardless of whether they had a right to be here in the first place. It was the opinion of the official who made the suggestion that the United States would be enabled to send out of the country far more persons under such agreements than we would have to accept back.

An official of the Immigration and Naturalization Service suggested that if transit certificates were issued only to persons actually in transit, that is, to persons who journey directly through the country to a third country without any visits along the way, much of the difficulty of transits who have overstayed their time limit without getting their certificates extended would be removed. He stated that aliens who wish to visit relatives or to sightsee along the way should properly be required to have visitor's visas.

It was also urged that more complete and accurate records should be kept by the Immigration and Naturalization Service of all transits who enter the country, their status, dates of entry and departure, country from which they came, country to which they are destined, country of which they are a citizen or national, and their exact location in this country at all times.

It was strongly recommended that in the case of persons who transit the United States by plane and are in the country only long enough to transfer from one plane to another, or merely for a landing of the plane en route, the requirement of a transit certificate should be waived.

An administrative procedure has been worked out pursuant to contracts between certain air lines and the Commissioner of the Immigration and Naturalization Service, providing for a waiver of transit visas for aliens who enter the United States on overseas planes for immediate transit through the country to a foreign destination. The contracts place the burden upon the importing air lines and the air lines which carry the aliens across the country are considered to be authorized agents of the importing air line. The importing air lines agree to execute blanket bonds to guarantee the immediate transit of these

special alien passengers; failure so to carry out the contract results in a forfeiture of $500 for each passenger.

e. Conclusions and recommendations

It is the conclusion of the subcommittee that while it is not practicable to require all transits, before they are permitted to enter the United States, to deposit with the immigration officials positive proof of their right to enter some country other than the United States, continued and increased effort should be made to determine that all transits possess such documents before being permitted to enter, and that investigations made by both the consular authorities and immigration officials should be more thorough in regard to the actual status of the alien who claims transit privileges. It is the recommendation of the subcommittee that more complete records be kept in this country by the Immigration and Naturalization Service of all transits who enter the country, their status, dates of entry and departure, country from which they came, country to which they are destined, country of which they are citizens or nationals, and their exact location in this country at all times. It is the judgment of the subcommittee that transit certificates should be granted only to those aliens who are actually transiting the United States, en route to a third country, and it is recommended that the law provide nonimmigrant status for transits only in those cases where the alien is entering solely for the purpose of immediate and continuous transit through the United States. Aliens who wish to visit or sightsee in the United States while en route to a third country should be required to acquire visitors' visas rather than transit certificates.

5. SEAMEN

a. Applicable laws and regulations

Under section 3 (5) of the 1924 act nonimmigrant status is extended to certain bona fide seamen entering the country for a temporary period of shore leave. The definition of a seaman in section 1 of the 1917 act, includes any person in good faith signed on a ship's articles and employed in any capacity on any vessel arriving in the United States from any foreign port, who seeks to enter the United States temporarily and solely in the pursuit of his calling as a seaman, with the intention of departing with that vessel or reshipping on any other vessel to foreign ports.

For immigration purposes, under the regulations of the Immigration and Naturalization Service alien seamen are classified as bona fide seamen or mala fide seamen. A bona fide seaman is one who meets the qualifications as set out in the act. A mala fide seaman, on the other hand, is considered as one who does not fully qualify as a bona fide seaman, and who probably will not depart with his ship or leave on any other ship for any foreign port or place within the period of shore leave that may be granted to him.[78]

The basic requirements with respect to documentation of alien seamen entitled to enter as nonimmigrants appear in an Executive order.[79] The master of a maritime vessel of any nationality, with some exceptions, must submit a list of all alien members of the

[78] 8 CFR 120.2.
[79] Executive Order 9352, June 15, 1943.

ship's crew to the appropriate American consul officer abroad for a visa. The visaed crew list must be delivered by the ship's officers to the appropriate immigration officer of a boarding party at the vessel's first port of call in the United States. Alien seamen whose names are not on a visaed crew list are not allowed to land without special permission.

Alien seamen, other than crew members, who have the occupational status of bona fide seamen, but who seek to enter as passengers or workaways solely in pursuit of their calling as seamen, may be exempted from the crew list visa or other nonimmigrant visa requirements for such period and under conditions as may be prescribed by the Secretary of State if they arrive in the United States in the status of (1) shipwrecked or castaway and rescued seamen, (2) American consul passengers or seamen being repatriated without expense to the United States, or (3) members of the crew of an American vessel sold and delivered abroad, whose return to the United States was provided for in the employment article.

Other exemptions from the visa requirements have been provided in regulations issued pursuant to Executive order.

In addition to the visa requirements, an alien seaman must present an identifying document in the nature of a passport showing his nationality and identity, and bearing his photograph before he may be permitted shore leave for any purpose, unless the requirement is waived by the Secretary of State or other designated appropriate official.

The nonimmigrant classification of bona fide alien seamen under the 1924 act is simply a recognition of the treatment historically accorded alien seamen under our statutes whereby, because of the necessity of freeing international commerce from unnecessary barriers and considerations of comity with other nations, alien seamen have been granted privileges of temporary admission while their ships are in a port in this country or between discharge at a port in this country and reshipping on another vessel. Under section 33 of the 1917 act, an alien seaman employed on board a vessel arriving in the United States from any foreign port and who intends to reship on board any other vessel bound to a foreign port, is allowed to land for purposes of reshipping under such regulations as may be prescribed by the Attorney General. The alien seaman in such case may be paid off, discharged, and permitted to remove his effects from a ship, notwithstanding any other provisions of the immigration laws or treaties of the United States, if either the master of the vessel or the alien notifies the principal immigration official at the port of arrival of such proposed action.

Under the law and the regulations of the Immigration and Naturalization Service, a bona fide seaman is granted temporary admission, which is termed "shore leave," for a period not to exceed the time his vessel remains in the United States, but in no event over 29 days from the date of his arrival, conditioned upon the understanding that it is his intention and purpose at the time of admission to continue his occupation as a seaman and that he will, prior to the expiration of his 29-day shore leave, either depart with his ship when it sails foreign again or ship from some port of the United States aboard some other vessel bound for any foreign port or place as a member of the crew.

The regulations also provide that an alien admitted for a temporary period under section 3 (5) shall be deemed to have overstayed the period of admission or to have failed to have maintained status if (*a*) he is found in the United States after the expiration of the period of admission or any authorized extension thereof, (*b*) he is engaged or is seeking employment ashore, in coast-wise trade or in any business for profit not connected with his calling as a seaman, (*c*) evidence indicates his intention to violate the conditions of admission or intention to remain longer than authorized, or (*d*) he violated the terms and conditions of admission prescribed by regulations in effect at the time of admission. In any such case the alien may be taken into custody and deported in accordance with the provisions of section 14 of the 1924 act. In the discretion of the immigration officer in charge of the port and upon the indication of willingness and ability of the seaman to reship foreign, the seaman may be placed on board any vessel for reshipment foreign prior to the issuance of a warrant for deportation.[80]

An alien seaman who lands at a port of the United States in violation of the provisions of law, is deemed to be unlawfully in the United States. Section 34 of the 1917 act provides that at any time within 3 years of the date of entry of such an alien seaman, he shall be required to appear before a board of special inquiry for examination of his qualifications for admission, and if he is not then admitted by the board, he shall be deported at Government expense.

Since the admission of bona fide alien seamen is dictated by considerations not applicable to other classes of nonimmigrants and the circumstances surrounding their temporary admission are peculiar to that class of aliens, a number of provisions have been enacted into the laws designed to control the entry and insure the departure of bona fide alien seamen. Many of the controls are directed at those responsible for the operation of the vessel upon which the seamen enter a port in this country. Under section 31 of the 1917 act, an owner, agent, consignee, or master of a vessel arriving from a foreign port is prohibited from knowingly signing on a ship's articles or bringing as one of the crew any alien with intent to permit such alien to land here in violation of the immigration laws.

Under section 33 of the 1917 act no alien employed on board any vessel arriving in the United States from any foreign port may lawfully be paid off or discharged until he has been properly admitted pursuant to our laws, unless he is landing for the purpose of reshipping on another vessel bound for a foreign port.

Section 35 of the 1917 act makes it unlawful for any passenger-carrying vessel operating between ports of the United States and foreign ports to have aboard upon arrival in the United States, any alien employed on board the vessel afflicted with idiocy, imbecility, insanity, epilepsy, tuberculosis in any form, or a loathsome, dangerous, or contagious disease. If it is found the seaman was so afflicted at the time he was engaged and taken aboard and the existence of such affliction might have been detected by competent medical examination, the officer of the vessel becomes subject to a fine of $50 and ship clearance to depart may be withheld pending determination of the question of the imposition of such fine. Afflicted alien seamen are

[80] 8 CFR 120.37.

to be detained and treated at the expense of the vessel, including the expense of burial if the alien dies. Under the act of December 26, 1920, an alien seaman who is suspected of having an affliction may be removed to an appropriate place of observation at the expense of the ship's officials, and if found to be afflicted and unlikely to be cured he may be required to depart at the expense of the vessel on which he arrived.[81]

Section 20 of the act of 1924 provides that the failure by the ship's officers to detain alien seamen aboard the vessel before inspection by immigration officials, failure to further detain seamen after inspection, or failure to deport them if required by immigration officials subjects the ship's officers to a penalty of a $1,000 fine for each alien seamen involved. Clearance of departure of the vessel is withheld until the fine is paid or payment guaranteed, but the Attorney General is authorized, upon written request to mitigate the fine imposed to not less than $200 for each alien seaman. The Attorney General is authorized to direct deportation of such alien seaman on another vessel at the expense of the vessel upon which he arrived in the United States if undue hardship would be caused by his deportation on the ship on which he arrived.

Under section 36 of the 1917 act, the officers of every ship arriving from foreign ports are required to deliver to the immigration officials at the port of arrival detailed lists, showing (1) all aliens employed on the ship at arrival and (2) alien seamen who are to be paid off and discharged. They are also required to report all alien seamen who have illegally entered as soon as the facts are discovered. Before departure of the vessel they must deliver detailed lists showing (1) alien employees not on the vessel when it arrived but who will depart with the ship, (2) alien employees paid off and discharged, and (3) alien employees who deserted and landed. If required by the Attorney General, the masters of vessels must pay a fine of $10 for each alien employed and not reported or correctly listed, and clearance for departure of the vessel is withheld pending the settlement of the question of the fine.

Under the Alien Registration Act of 1940, the Commissioner of the Immigration and Naturalization Service is authorized to prescribe special regulations for the registration and fingerprinting of alien seamen who remain in the United States 30 days or longer.

Under the navigation laws, certain alien seamen employed on American vessels are entitled to be returned to the United States when they are discharged in a foreign port because of injury or illness or when they become destitute. When such seamen are returned by consular officials, they are required to present satisfactory evidence upon arrival to the immigration officers that they are bona fide seamen being returned as such. They are treated the same as other seamen whether they return as members of the crew or as passengers. Shipwrecked and cast-away seamen rescued by a vessel bound for an American port may be admitted under the same terms and conditions as other seamen. Likewise, alien seamen who were members of the crew of an American vessel which has been sold or delivered abroad returning to the United States as passengers or work-aways in accordance with the contract of employment on the out-bound voyage are treated as any other seaman who seeks to enter in pursuit of his calling.

[81] 41 Stat. 1082.

b. Statistics

The relative importance of deserting alien seamen as a part of the whole seamen's problem is indicated by statistics of the Immigration and Naturalization Service. During the fiscal year 1946, inspection records covered 676,038 incoming alien seamen and 708,643 incoming citizen seamen;[82] during 1947, 776,943, alien seamen and 987,052 citizen seamen were inspected;[83] during 1948, 922,349 alien and 1,015,525 citizen seamen were inspected;[84] during 1947 the number of seamen inspected increased by 27.4 percent over the previous year;[85] and during the fiscal year 1948 inspections increased 9.9 percent over fiscal year 1947.[86]

This does not represent the number of individual seamen who came into the ports of the United States and were inspected, since ships make numerous trips from foreign ports to the United States, often with almost the same crew aboard.

During the fiscal year 1947, there were 4,126 alien seamen who were classed as having deserted their ships after arrival in United States ports. This was probably caused in part by the practice of bringing overcrews, that is crews considerably larger than the number normally employed or required to man the ships. The numbers of deserting alien seamen during fiscal year 1947, according to the flagships on which they arrived, are as follows:[87]

Nationality:	*Number*	Nationality—Continued	*Number*
British	1,076	Netherlands	269
Norwegian	379	Spanish	240
Swedish	363	Greek	124
Italian	337	Danish	116
American	284	All others	765

During the fiscal year 1948, 4,353 alien seamen deserted their ships after arrival in United States ports, again probably due in part to the practice of bringing overcrews.[88]

Prior to November 1947, aliens deported were not tabulated on the basis of the class in which they were admitted. It is estimated that between November 1947 and June 1948, of the 20,731 aliens deported, approximately 800 were seamen. This, of course, does not include seamen who reshipped foreign but were not technically deported.

For a number of years, it was very difficult to determine how many alien seamen who had deserted their ships continued to live in the United States in an illegal status, because no provision was made for checking on their whereabouts. The Alien Registration Act of 1940 contained specific provisions for the promulgation of special regulations for the fingerprinting and registration of alien seamen. The subcommittee was advised, however, that no special statistics have been kept to show the number of alien seamen in the United States.

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[82] Immigration and Naturalization Service, Annual Report, 1947, p. 9.
[83] Ibid., pp. 9-15.
[84] Ibid., 1948, p. 17.
[85] Ibid., 1947, p. 15.
[86] Ibid., 1948, p. 17.
[87] Ibid., 1947, p. 15 and table 22.
[88] Immigration and Naturalization, Annual Report, 1946, p. 17.

c. Comment on practices and problems relating to alien seamen

(1) Statement of the problems

The problems relating to seamen are largely created by those who desert their ships, remain here illegally beyond the time granted them to stay, and become lost in the general populace of the country. For a number of years, it has been generally recognized, both by Government officials and others, that the temporary "shore leave" admission of alien seamen who remain illegally constitutes one of the most important loopholes in our whole system of restriction and control of the entry of aliens into the United States. The efforts to apprehend these alien seamen for deportation are encumbered by many technicalities invoked in behalf of the alien seamen and create conditions incident to enforcement of the laws which have troubled the authorities for many years.

Another complicating factor is the fact that, under certain limitations, an alien seaman who intends to reship on another vessel bound to a foreign port may be paid off, discharged, and permitted to remove his effects from the vessel on which he arrives in a port of the United States.

The testimony of witnesses at the hearings before the subcommittee and the comment received from field offices of the Immigration and Naturalization Service emphasized the magnitude of the problem presented by the admission of alien seamen for temporary periods and the difficulty of arriving at any totally effective solution in view of the privileges which have traditionally been accorded to those who follow the calling of the sea. Many of the problems arise from the conflict between the immigration laws which are designed to control the entry of aliens and certain of the navigation laws designed to promote and protect the welfare of the seaman.

Opinion generally was that the necessity of affording temporary access to our shores to alien seamen inevitably results in continuing opportunities for aliens to remain illegally. The problem increases as the employment situation in the maritime service deteriorates and more alien seamen are left in our ports to be deported at Government expense. The situation is further aggravated by the fact that many alien seamen do not have the necessary documents to permit deportation.

As was pointed out by some of the witnesses, the Seamen's Act of 1915 requires that alien seamen sailing on American vessels be returned to American ports; if they are left on a foreign shore, consuls may compel their return by placing them aboard American vessels and the master must return them under threat of penalty for failure to do so. Often such alien seamen cannot be landed in the United States, because they are not admissible under the immigration laws and the master is in the anomalous position of being fined if he refuses to employ them and yet he may be unable to land them in American ports. The complexity of the problem was described by an official of the Visa Division of the Department of State as follows:

> Seamen constitute one of our biggest problems we have today. If we could ever devise some way to control the movement of hundreds and thousands of seamen in and out of our ports every year and yet preserve to a maximum degree the national security of this country, I think we would have accomplished a great task. But you cannot do it—at least no way has so far been found—without seriously delaying shipping. You cannot hold up a vessel and go into the history

and background of every person who happens to be signed on the crew list of the vessel as a seaman. Some inspections must be made of those people but you cannot hold up shipping.

(2) Definition of bona fide alien seaman

The term "seaman" as used in the act of 1917 is defined to include "every person signed on the ship's articles and employed in any capacity on board any vessel arriving in the United States from any foreign port or place." When nonimmigrant status was extended to "a bona fide alien seaman serving as such on a vessel arriving at a port of the United States and seeking to enter the United States temporarily solely in pursuit of his calling as a seaman" under the act of 1924, the term "seaman" was not further defined. Recourse must still be had to the act of 1917 for the definition of persons considered to be seamen.

It has been suggested to the subcommittee that the term "seaman" as used in the immigration laws should be redefined to clearly restrict that class of persons to bona fide seamen. One suggestion made was that the term "bona fide alien seaman" be limited to an alien who is signed on the articles of a vessel and is necessary to the operation thereof, rather than considering every person signed on the ship's articles and employed in any capacity on board as a seaman.

An immigration field officer stated that there are cases of 6-months-old children signed on ships' articles who enter as seamen. In such cases they are generally the captain's or steward's children, and while they are not bona fide seamen within the meaning of section 3 (5), they are not detained on board for reasons of international comity.

Immigration field officers also suggested that consideration should be given to a differentiation between the term "fisherman" and "seaman," on the ground that fishermen should not be classed as seamen under the immigration laws. In support of that suggestion, attention was called to a situation which exists on the west coast involving a number of Portuguese fishermen who have previously applied for quota visas under the Portuguese quota. They face a wait of 4 or 5 years before they can come to the United States as immigrants because the quota for Portugal is oversubscribed. They then proceed by prearrangement to some South American country where fishing boats out of San Diego pick them up. They arrive at San Diego on a fishing vessel whose home port is San Diego and the Immigration and Naturalization Service is compelled by present law and regulations to admit them as seamen, even though it is known that they will be actually permanent residents of this country and will be entitled to make their home here, eventually becoming naturalized without a certificate of arrival.

It is the opinion of the subcommittee that there is need for clarifying the language of the immigration laws with reference to aliens included within the classification of bona fide alien seamen. It is more appropriate to refer to such aliens as crewmen rather than seamen, particularly since the development of overseas air transportation has presented the relatively new problem of the entry of alien members of the crews of aircraft. For the purposes of the immigration laws, it is considered desirable hereafter to include in a nonimmigrant classification an alien who is a crewman, serving in good faith as such in any capacity required for the normal operation and service on board

a vessel (other than a fishing vessel having its home port or operating base in the United States), who intends to land temporarily solely in pursuit of his calling as a crewman and to depart from the United States with the vessel on which he arrived or on some other vessel. It is to be noted that the services of the crewman should be required for normal operation and service on board the vessel to entitle him to the nonimmigrant status, whereas under existing law the seaman need only be employed in any capacity on board such vessel.

The foregoing classification would make adequate provision for the temporary admission of bona fide seamen consistent with the traditional principles of international commerce, but the problem will still remain to some extent with respect to a determination in each case as to whether a particular alien can qualify as a bona fide crewman within the meaning of the proposed provision. It was pointed out by witnesses before the subcommittee that the determination of whether an alien is a bona fide or a mala fide seaman depends largely upon his state of mind, whether at the time of entry he intends to enter permanently or to enter temporarily in pursuit of his calling as a seaman. This determination must be made by the immigration inspector boarding the ship who may classify a seaman as mala fide on the basis of a previous deportation or for other reasons which he feels remove the seaman from the bona fide classification. Crew members who arrive for the first and/or second time are apparently given much closer scrutiny than those who have been regular crew members for several trips. The inherent difficulties in making such a determination are apparent.

(3) Documentation of alien seamen

There were frequent suggestions before the subcommittee that the law require alien seamen to have in their possession on arrival in ports of the United States a valid passport rather than to permit use of a document in the nature of a passport. An immigration field officer suggested resumption of the wartime practice of taking up the passports of seamen on arrival and returning them to the seamen upon their departure. It was suggested by another immigration field officer that documents in the nature of a passport presented by alien seamen upon arrival at ports of entry should be in such form as to permit the alien seamen to be deported to some country if deportation is found necessary.

An immigration field officer suggested that consuls be required to make a more intensive inquiry regarding seamen when crew lists are visaed, since experience has shown that in some cases late additions were made to the crew lists, just before sailing from abroad, of seamen who had little or no previous experience. It was also suggested that every nonresident alien seaman arriving from abroad at ports of the United States who is discharged, paid off, hospitalized, or otherwise removed from the ships articles, should be issued a certificate of discharge, stating his name, nationality, age, position in the crew, and the period of admission; and that the submission of this certificate of discharge be held a prerequisite for his permission to depart on any other vessel other than that on which he last arrived in the United States.

It has already been noted from the recent annual reports of the Immigration and Naturalization Service that the number of deserting

seamen has progressively increased during the last several years, which might be attributed to the practice of bringing crews considerably larger than the number required to man the ships. An immigration field officer suggested that in the case of each vessel arriving in United States ports, if the master were required to file with the Immigration and Naturalization Service at the first port of entry a statement of the normal crew complement required for the operation of that vessel and the statement were circularized at all ports, a better check could be maintained on all crews. In his opinion this would discourage the practice of bringing excess crews and attempting to discharge the excess in a United States port.

A representative of the Visa Division of the Department of State described an arrangement in effect during the war under the anchorage regulations of the Coast Guard whereby no persons were allowed on any ship within our territorial waters unless he had been issued a clearance card, and suggested that a system of requiring all seamen to carry security cards might be devised.

The foregoing comments and suggestions emphasize the concern of those who are constantly faced with the problem of alien seamen and their opinion that some improvement in the methods of documentation is required. No attempt will be made to appraise each suggestion at this point, but they are to be borne in mind in the over-all consideration of the seaman problem.

(4) Controls at port of arrival

Much concern was expressed by witnesses before the subcommittee on the urgent need for amendments to the law and regulations which would place more stringent regulations upon masters of vessels arriving in ports of the United States, with respect to the practice of discharging alien seamen after inspections by immigration officers have been completed, without first receiving permission for such discharges from the immigration officers.

The subcommittee was informed that a large number of seamen are coming to the United States for the purpose of obtaining employment on American vessels. They are discharged in American ports, swelling the number of unemployed seamen. To alleviate this condition, it was suggested that no master of a vessel be permitted to discharge an alien seaman when there is an excess of seamen on the vessel upon arrival.

The complete revision of section 33 of the act of 1917 was suggested by an immigration officer as a means of increasing the effectiveness of controls over the entry of seamen into the United States. He called attention to another problem which exists in connection with the discharge of seamen. After a vessel arrives at a port of the United States, the crew is examined by the immigration officials at that port, but, if the vessel has scheduled landings for other ports, there is no requirement for further inspection at the subsequent ports of arrival. Since there is no provision requiring a master to report the discharge of seamen who have been previously inspected at the first port of arrival, but who are discharged at a subsequent port in the United States, there is no record made of a discharge effected subsequent to the inspection at the first port of arrival. Consequently, there may be no verification of a seaman's entry into the United States if he has been so discharged.

The problem arises from the fact that while the law provides that a master of a vessel may not discharge a seaman unless he gives notice to the Immigration and Naturalization Service, no penalty is provided for failure to do so. At one time there was such a penalty in section 32 of the 1917 act, but it was repealed by the act of 1924.

In its report to the House on the bill [89] which became the 1924 Immigration Act, the House Committee on Immigration and Naturalization made the following comments relative to seamen legislation:

> Enforcement of the sections (secs. 32, 33, and 34) of the Immigration Act of 1917 respecting alien seamen has been one of the most difficult tasks confronting the Immigration Service. In fact, due to a weakness in section 32, there has been no proper enforcement for several years.
>
> The flaw was that the ship's master, although required to detain an inadmissible seaman, could not be punished for failure to detain unless it was shown that he had notice in writing to do so. Notice in writing anterior to the breach of responsibility to detain was physically impossible.[90]

This bill, H. R. 7995, as reported from the House Committee on Immigration and Naturalization, accompanied by House Report No. 350, proposed the repeal of sections 32, 33, and 34 of the Immigration Act of 1917. When the bill was finally enacted, however, the repeal of only section 32 was provided.

The subcommittee received many additional suggestions from immigration officers who continuously face the problem of controlling alien seamen. These suggestions were concerned primarily with the imposition of additional duties on ships' masters with respect to controlling the movements of seamen and the imposition of fines and penalties for failure to comply therewith. Thus, it was suggested that the liability of ship companies for deportation expenses be expanded to include costs incurred in connection with an alien seaman apprehended within 5 years after entry under section 20 of the 1917 act and in the deportation of nonresident alien seamen left in the United States. In each case the expense would be assessed against the company owning the vessel on which the seaman entered. To insure payment of the expenses, it was proposed that the vessel from which the seamen departed be required to deposit a bond to guarantee payment before clearance for the vessel is granted.

The suggestion was made that, where seamen are landed in Canada and transferred to a United States port for reshipment, a transit bond should be required to guarantee reshipment from the United States port.

The subcommittee is impressed with the arguments which have been presented for the imposition of more restrictive provisions relating to the discharge of alien seamen. Effectiveness of the controls over alien seamen would be increased substantially by providing for the imposition of a penalty on the master of a vessel who pays off or discharges an alien seaman employed on board a vessel arriving in the United States without first obtaining the consent of the Commissioner.

(5) Seamen controls

The continuous flow of foreign vessels in and out of the ports of the United States affords a relatively easy means of illegal entry of otherwise inadmissible aliens, since alien seamen under rules of interna-

[89] H. R. 7995, 68th Cong.
[90] H. R. 350, 68th Cong.

tional comity must be granted certain privileges while their ships are in port to insure that the ships will be manned.

An immigration officer commented that one method by which persons are brought in illegally is by the overstaffing of crews on ships. He stated that one ship came in with a crew of over 200 men on the crew list when only 80 were needed to man the ship.

The subcommittee received information that from February 1946 through February 1948 the steamship *Vulcania* made 15 trips to the United States and in the case of 11 of the trips 117 members of the crew deserted in addition to 89 stowaways who were discovered on board and apprehended after landing. The steamship *City of Athens* on one of its trips in 1947 arrived in the United States with a crew of 242 members, while actually only 80 seamen are required for the normal operation of the ship. When the ship departed, only 70 of the original crewmen were aboard. On its next trip the boarding investigators found that the ship had a crew of 139, 57 of whom were held to be mala fide seamen. Subsequent investigation indicated that most of the seamen brought in as overcrew were in fact immigrants who had paid sums ranging from $500 to $1,900 to one of the owners of the vessel in Greece for the purpose of coming to the United States. On the third trip of the same vessel, 18 seamen were held to be mala fide. Subsequent legal action by the Government resulted in the imposition of $11,000 in fines against the ship company.

It was called to the attention of the subcommittee that at present any alien seaman who is paid off and deserts a ship of any registry while in the United States and who avoids deportation long enough to secure American seaman papers may repeatedly sign on American ships for round trips. This, in effect, permits him to gain permanent residence in the United States without having been legally admitted for permanent residence.

The opinion was expressed that some of the difficulties in connection with the illegal entries of seamen arise as a result of the provisions of the navigation laws which require that seamen signing on American ships be returned to American ports. If a seaman is left ashore in a foreign country, a consul will return him by placing him on a vessel as a crewman and compel the master of the vessel to bring him back to the United States. Sometimes, a deportable alien seaman is granted the privilege of reshipping foreign in lieu of deportation, and when the vessel reaches a foreign country the American consul may insist that the American vessel upon which the seaman arrived return him to the United States. When such a seaman returns, the same problem is presented all over again. It was suggested that this might be remedied by changing the navigation laws to permit the discharge of seamen on American vessels in foreign ports.

The subcommittee received many suggestions to impose additional controls on alien seamen and to facilitate the deportation of those found to be in this country illegally. It was suggested that the fingerprinting and registration provisions be made more stringent, and that more accurate reports be made of seamen granted shore leave in cases where they expressed an intention to reship on a different vessel; that, in the case where a seaman departs from a port other than that at which he entered, the port of entry should be notified immediately; that a summary type of deportation be provided where

the seaman is arrested within 3 years after entry; that a more strict rule be enforced regarding the registration of change of address by alien seamen; and that where voluntary departure is granted an alien seaman it be limited to a one-way trip to a foreign port.

Commenting on the present efforts of the Immigration and Naturalization Service to apprehend alien seamen illegally in the country, an immigration officer stated that, when adequate personnel is available to give priority to that type of work, the immigration officers check the places where the seamen are known to congregate, such as seamen's clubs. A representative of the central office of the Immigration and Naturalization Service stated that with their present staff they are unable, however, to continue such intensive searches for deserting seamen as they did during the war period. It was stated that during the late war the Immigration and Naturalization Service and the Maritime Commission established an alien-seaman program to cope with the problems of wholesale desertions by merchant sailors in the Allied merchant marine. One of the objects of the program was to locate deserting seamen in order to keep a greatly supplemented merchant marine moving and to prevent omission of ships from convoys.

(6) Suspension of deportation

Under the provisions of section 19 (c) of the 1917 act, as amended, nonresident alien seamen, with certain exceptions, may apply for suspension of deportation. If the suspension is granted, the applicant will be recorded as having been admitted for permanent residence as of the date of his last entry into the United States. Favorable action under that section is based upon a finding by the Attorney General, subject to concurrence by Congress, that (1) the applicant has resided in the United States continuously for 7 years or more or (2) the deportation of the applicant would result in serious economic detriment to the applicant's spouse, parent, or minor child or children, who are citizens of the United States or legally resident aliens.

While that provision is considered in detail in chapter VI,[91] information received by the subcommittee indicates that the provision has apparently been used considerably by nonresident alien seamen seeking legal means to clarify their residence status in the United States.

d. Conclusions and recommendations

After carefully reviewing all the available information relating to alien seamen, the subcommittee concludes that several major corrections are needed to control more effectively the entry and stay of alien seamen under the immigration laws.

It is desirable to clarify the definitions of "seamen" to limit the term to alien persons who are serving in good faith as crewmen in any capacity required for normal operation and service on board a vessel arriving at any port of the United States. The substitution of the term "crewman" for "seaman" is more accurate and will apply equally to personnel serving on boats or aircraft.

It appears to the subcommittee that American consuls should exercise extreme diligence to screen more closely names appearing on crew lists presented for visa purposes in order to ascertain more carefully whether or not the persons named are in fact bona fide seamen. While it is not deemed feasible under practices of comity to grant the

[91] See p. 595.

consul authority to withhold his visa to the crew list pending compliance by the master with the consul's demand that there be eliminated from the crew lists persons who the consul determines are not bona fide seamen, the consuls should make every effort possible to determine such fact and convey the information to the immigration officials at the port to which the vessel is destined. In addition, the subcommittee recommends that a master of a vessel should be subject to a heavy penalty for falsely or knowingly representing to a consular officer at the time the crew list is visaed, or to the immigration officer at the port of arrival, that an alien who intends to enter the United States in violation of the laws and treaties of the United States regulating the immigration of aliens is a bona fide member of the crew employed in a capacity regularly required for normal operation and service of the vessel.

Section 33 of the 1917 act provides that any alien employed on board any vessel arriving in the United States who intends to reship on board another vessel bound to any foreign port "may be paid off, discharged, and permitted to remove his effects," provided that due notice of the proposed action is given by the master or the seaman himself to the immigration officer in charge at the port of arrival.

The subcommittee recommends the inclusion of an appropriate provision in the law which will make it unlawful for a master of a vessel to pay off or discharge an alien seaman employed on a vessel arriving in the United States without prior consent by the Commissioner of the Immigration and Naturalization Service. In order to make the prohibition effective, a penalty should be imposed upon masters who at any time discharge an alien seaman in any port in the United States without proper consent.

One of the complaints against the present law is that when a vessel arrives from abroad and the crew has been duly inspected at the port of arrival, and proceeds to subsequent ports of call in the United States, the master may discharge alien crew members at the subsequent ports without permission of the immigration officers. Under the proposed change, discharges could not be granted without the consent of the Commissioner.

The subcommittee believes that more effective control of alien seamen who have been lawfully admitted for shore leave or who have been discharged with the intent of reshipping on another vessel for foreign service could be established by providing for the issuance of a card to alien seamen at the time of their admission or discharge which would show the name, date of admission, period for which admitted, and the alien's fingerprints, and would contain directions that the alien report to the nearest immigration office periodically while he remains in the United States and give advice regarding any change of address. It should be required that the cards be surrendered to the master of the vessel on which the alien proposes to sail for any foreign port or place. As a further restriction, the masters of the vessels on outgoing trips should be required to demand the surrender of the card before the alien could be signed on a ship's articles. The failure of an alien seaman to have in his possession this card, or having such card after the expiration date of his stay as shown by the card, would be evidence of his illegal status. Such a procedure may be effectively established by regulation.

It is also the recommendation of the subcommittee that every alien seaman on vessels arriving in the United States from foreign ports should be required to possess a passport or a document in the nature of a passport issued to him by a foreign government, which shall be valid for return to the country of his origin or to some other foreign country for a specified period beyond the date on which the alien seaman arrived in a port of the United States sufficient to guarantee that he will be able to leave the country upon the expiration of any period of temporary admission.

The subcommittee recommends that the substance of these provisions be incorporated in the proposed bill in the following manner:

1. The nonimmigrant status extended to a bona fide seaman should be available to a crewman serving in good faith as such in any capacity required for normal operation and service on board a vessel (other than a fishing vessel having its home port or operating base in the United States) or aircraft, who intends to land temporarily solely in pursuit of his calling as a crewman and to depart from the United States with the vessel or aircraft on which he arrived or on some other vessel or aircraft.

2. Provision should be made that temporary admission may be granted to a crewman who is found to qualify as a nonimmigrant and to be otherwise admissible under the applicable immigration laws for (*a*) a period of time not to exceed the period in which the vessel or aircraft on which he arrived remains in port, if he intends to depart on the same vessel or aircraft, but in no event to exceed 29 days, or (*b*) for a period not to exceed 29 days, if the seaman intends to depart on a vessel or aircraft other than the one on which he arrived. Authority should be granted to immigration officers in a case where the alien crewman intends to depart on the same vessel on which he arrived, upon a satisfactory finding that an alien is not a bona fide crewman, to revoke the permission to land temporarily, to take the alien into custody, and to require the master of the vessel on which he arrived to detain him and remove him from the country.

3. Existing provisions of the law should be substantially revised, so that (*a*) the owner, agent, consignee, or master of any vessel or aircraft would be subjected to the same penalty for misrepresenting to a consular officer that a crewman is a bona fide crewman, that such agent, consignee, or master is subjected to for so misrepresenting to an immigration officer, (*b*) an alien crewman could not be paid off or discharged without the consent of the Commissioner, and (*c*) all alien seamen would be detained on board the vessel after inspection upon arrival unless a permit to land temporarily has been granted.

6. AIRMEN

a. Applicable law and regulations

Closely allied to the problems of the entry of alien seamen for temporary periods as nonimmigrants are those concerned with the entry of alien crew members of aircraft arriving in the United States. Airmen as such are not accorded a nonimmigrant status under the 1924 act, but under the general authority of the Attorney General to provide immigration regulations applicable to civil air navigation,[92]

[92] Air Commerce Act of 1926, 44 Stat. 572; 49 U. S. C. 177 (d) (3), 181 (b) (2); Immigration Act of 1924, 43 Stat. 153, 8 U. S. C. 222; 8 CFR 116.53.

airmen are for immigration purposes considered as seamen. In general, therefore, the provisions of the laws applicable to alien seamen are likewise applicable to alien airmen.

The Attorney General has issued detailed regulations for the purpose of controlling the entry of alien airmen under the immigration laws.[93] It is provided that advance notice regarding the intended coming of any aircraft into any area from any outside place shall be given the immigration officers nearest to the place of arrival in sufficient time to permit inspections upon arrival. "Area" is defined as any one of the following parts of the United States: (a) Mainland of United States, including Alaska, for immigration purposes; (b) Hawaii; (c) Puerto Rico; (d) Virgin Islands, for immigration purposes, subject to certain exceptions provided in the regulations specifically mentioning these islands; and (e) certain possessions of the United States.[94]

Any aircraft arriving from Canada or Mexico which lands at or departs from a land port of entry en route to Canada or to Mexico, for the purposes of the immigration laws and regulations, shall be treated the same as other common carriers arriving at or departing from land border ports of entry. Other aircraft operating in foreign commerce or between areas of the United States are subject to the same requirements and liabilities as are vessels operating on water, except as otherwise provided by regulation or by statutes specifically relating to aircraft.[95]

An alien employed in any capacity on board an aircraft arriving in the United States is considered as a seaman, and the provisions of the immigration laws and regulations applicable to vessels and seamen are equally applicable to such aircraft and to alien airmen. In any case in which a seaman would be ordered detained on board, an airman under similar circumstances may be released by the immigration officer in charge, in such appropriate custody as is deemed sufficient to insure the prompt departure of the airman from the United States.[96] No aircraft arriving in the United States from any outside place or in any area from another area (except directly from the mainland), shall discharge any employee without permission from the immigration officer in charge.[97]

If such aircraft is required to make a forced landing in the United States, the aircraft commander or operator may not permit any person employed thereon to leave the landing place without permission of the immigration officers unless it is necessary for purposes of safety or preservation of life or property. The aircraft commander or a member of the crew in charge is required to communicate with the nearest immigration officer as soon as practicable and make a full report of the circumstances of the flight and the emergency or forced landing.[98]

The commander of any aircraft arriving in the United States from any outside place, other than from Canada or the French islands of St. Pierre and Miquelon, must include with his entry declaration an immigration list of all aliens employed in any capacity on board at the time of arrival, showing the full name, age, sex, country of which each

[93] 8 CFR 116.1-116.62.
[94] 8 CFR 116.2 (c), 3 (b).
[95] 8 CFR 116.52.
[96] 8 CFR 116.53.
[97] 8 CFR 116.3 (c).
[98] 8 CFR 116.3 (f).

is a citizen or subject, country of birth, race, number of aircraft certificate if any, place and date of engagement, position on aircraft, and names of alien employees who are to be discharged in the United States.[99] An aircraft commander of any aircraft departing from any area of the United States to any place outside the United States (other than from the mainland or Alaska to Canada, Mexico, or the French islands of St. Pierre and Miquelon) must include with his clearance declaration, an immigration list of each alien who was employed in any capacity at the time of last arrival from any place outside of the United States and who has either been discharged, has deserted, or is in a hospital in the United States, as well as a list of each alien leaving the United States as an employee on the aircraft who was not such when it last arrived in the United States. The lists must show full name, age, sex, and country of which each alien is a citizen or subject.[1]

In the case of any aircraft operated by a scheduled air line, the foregoing information regarding alien employees on the aircraft are waived if its schedules and required information on all aliens employed on board the aircraft have been filed by the operator with the immigration officers in charge at scheduled airports of arrival and departures. The aircraft operators are, however, required to report to the immigration officer at the airport of departure changes in aliens on the crew list caused by hospitalization, discontinuance of employment, or employment of additional alien crewmen.[2] A scheduled air line is considered as any individual, partnership, corporation, or association engaged in air transportation on regular schedules to, over, or away from the United States, or from area to area, based upon a foreign air carrier permit or certificate of public convenience and necessity issued under the Civil Aeronautics Act of 1938.[3]

The requirements with respect to submission of crew lists by aircraft operators at the time of entry and departure are an extension of the applicability of the provisions of section 36 of the 1917 act, relating to seamen. Any failure to comply with the regulations is treated as a violation of section 36. Any person who violates the regulations relating to immigration are subject to a civil penalty of $500, as authorized by section 11 (b) of the Air Commerce Act of 1926, but where the offense in connection with any aircraft would be a violation of the immigration laws and general regulations, if the aircraft were a vessel operating on water, the penalty is the same as would apply in the case of a vessel.[4]

Admission of alien airmen is conditioned upon the presentation of a valid unexpired passport, bearing the alien's photograph and a visa appropriate to his case, unless he is exempted from the visa requirements. A list of all alien members of the crew of each aircraft traveling to the United States from any foreign port or place must be submitted to be visaed to an American consular officer at the foreign port or place from which the voyage is begun for a visa, unless provision is made otherwise. Before an airman may enter the United States as a member of the crew, (1) his name must appear on a visaed crew list, (2)

[99] 8 CFR 116.8 (b) (1); 8 CFR 116.56.
[1] 8 CFR 116.9 (b) (1); 8 CFR 116.56.
[2] 8 CFR 116.10.
[3] 8 CFR 116.2 (f).
[4] 8 CFR 116.60.

he must have an appropriate individual visa, or (3) the aircraft must be exempted from the requirement of submitting a visaed crew list.[5]

As in the case of alien seamen, there are certain exemptions to the visa requirements in the case of alien airmen. An alien airman lawfully admitted into the United States for permanent residence is not required to submit a passport or a visa if (*a*) he possesses a resident alien's border-crossing identification card and is employed on an aircraft of United States, British, or Canadian registry and the aircraft is engaging solely in traffic on the Great Lakes and connecting waterways, or if he is on an aircraft traveling solely between United States and Canada; (*b*) he is a member of the crew of an aircraft and has a valid reentry permit; or (*c*) he is a passenger who is a shipwrecked or castaway airman rescued by, or transferred to, an aircraft bound to a port of the United States.[6]

Also an alien airman, lawfully admitted for permanent residence in the United States, is exempted from the individual visa requirements if (*a*) his name appears on the visaed crew list of a vessel or aircraft upon which he arrives; (*b*) he is an aircraft passenger who was a member of the crew of an aircraft sold abroad and is returning in accordance with the terms of the articles of the aircraft on which he formerly served.[7]

b. Comment on pending legislation

A bill pending in the Congress (S. 418, 81st Cong.) proposes to amend section 30 of the Alien Registration Act of 1940. That section now provides that any alien seeking to enter the United States who does not present a visa, reentry permit, or border-crossing card shall be excluded from admission except in emergency cases defined by the Secretary of State, and no visa shall be issued until the alien has been fingerprinted and registered by the consul. The bill would authorize the Secretary of State to exempt aliens who are officers, pilots, or crewmen of any aircraft operated by an air carrier or foreign air carrier (as defined by the Civil Aeronautics Act of 1938, as amended) from the requirements that they present a visa, reentry permit, or border-crossing identification card before they are granted permission to enter the United States. The bill would further authorize the issuance of regulations for the admission into the United States of such airmen on such terms and conditions as may be set forth in bilateral or multilateral agreements with other governments.

On May 13, 1948, the Department of State submitted a report to the Senate Committee on the Judiciary, on S. 2461 of the Eightieth Congress, which was similar to S. 418 of the Eighty-first Congress in which enactment of the bill was not recommended on the following grounds:

> Another amendment to section 30 of the Alien Registration Act of 1940, as amended, proposed in the bill, would enable the Secretary of State to exempt from the visa requirements any alien who is an officer, pilot, or crewman of any aircraft operated by an air carrier or foreign air carrier as defined in the Civil Aeronautics Act of 1938, as amended.
>
> This amendment, if enacted into law, would give the Secretary of State power to grant, with respect to the crews of aircraft, privileges which he cannot grant with respect to the crews of any other type of transportation. Unless fully justified by

[5] 8 CFR 177.52, 177.55.
[6] 8 CFR 177.53.
[7] Id.

special circumstances, discrimination between types of transportation is undesirable.

Of more importance from the standpoint of national security is the fact that the present visa requirements for the crews of aircraft enable this Department to consider the background of the aliens who seek to fly to this country as crewmen. In the present unsettled condition of world affairs, it is not considered desirable to weaken the process from using employment on foreign aircraft as a means of becoming familiar with the routes to the United States with the intention of using such information for a hostile purpose.

Alien crew members of aircraft may be admitted into the United States temporarily either by having their names included in a visaed crew list or by presenting at the port of entry an individual passport visa. A crew list visa is valid for one flight only. The bearer of a passport visa may apply for admission into the United States any number of times during the period of validity of the visa. The usual period of validity of a passport visa is 1 year, but a passport visa valid for a period of 2 years may be issued if the country of which the applicant is a national grants reciprocal treatment to United States citizens. The visa requirements, therefore, do not cause undue difficulties in the case of alien members of aircraft operating into the United States.

The question of the eliminating visa requirements in the case of operating crewmen on aircraft has been studied by the International Civil Aviation Organization, which recommended that the interested nations agree on a simple crewmen certificate which will be recognized for admission of the crewmen for purposes of operating aircraft, as a substitute for the visa.

c. Conclusions and recommendations

It is the opinion of the subcommittee that the necessity for the enactment of the provisions of the bill S. 418 of the Eighty-first Congress insofar as it applies to officers, pilots, and crewmen on aircraft has not been demonstrated, and it is, therefore, recommended that such provisions should not be included in the law.

The subcommittee recommends that the immigration controls issued by the Attorney General over the entry and departure of alien airmen be made part of the immigration law. These regulations provide that alien airmen are to be treated substantially the same as alien seamen.

7. TREATY TRADERS

a. Applicable law and regulations

(1) Section 3 (6) and merchant return permits

The statutory provisions for the creation of treaty-trader status under the immigration laws is found in section 3 (6) of the Immigration Act of 1924. Among the aliens excepted from the definition of the term "immigrant" is—

> an alien entitled to enter the United States solely to carry on trade between the United States and the foreign state of which he is a national under and in pursuance of the provisions of a treaty of commerce and navigation, and his wife, and his unmarried children under twenty-one years of age, if accompanying or following to join him

Under the regulations of the Department of State the term "national" is defined as a citizen or subject of a foreign country that has a treaty of commerce and navigation with the United States. The term "trade" includes the transmission of news by individuals engaged in news-gathering activities of an international character; operation of transportation lines, including steamship, aircraft, and railroads in furtherance of international travel; and the transaction of banking or insurance business on an international scale. An alien

entering the United States as a member or agent of a commercial concern in his own country to engage in transactions involving commerce between the two countries or one entering with a stock of goods produced in his own country to be sold by him in the United States and to be replenished from other goods produced in his own country is entitled to treaty-trader status. Consideration is, however, given to conditions in the country of which an applicant is a national that might affect his ability to carry on trade between the United States and that country.[8]

Substantial trade of an international character must be carried on by the alien in his own behalf or as an agent after entering the United States. Such trade must be principally between the United States and the particular country of which the alien is a national. If an applicant is coming solely for the purpose of carrying on international trade or commerce, the fact that he may incidentally engage in some other transaction does not preclude his classification as a treaty trader.

The trade treaties which have been concluded provide, generally, for the reciprocal entry, travel, and residence of nationals of the contracting nations to carry on commerce and trade, and that the nationals of each nation be given the same privileges as nationals of the most favored nations.[9]

The alien wife and unmarried children under 21 years of an alien classifiable as a treaty trader are entitled to nonimmigrant status if accompanying or following to join him, regardless of their nationality. An alien lawfully in the United States, who is engaged in international trade or commerce and who would be entitled to enter as a nonimmigrant treaty trader, may have his wife and unmarried minor children come to the United States as nonimmigrants even if he did not enter as a treaty trader.

An alien classifiable as a treaty trader may be admitted without limitation of time on condition that he maintain the specific status claimed and that he voluntarily depart upon failure to maintain that status. He may be required to furnish bond to insure his voluntary departure from the United States upon failure to maintain status.

(2). Legislative history

In its original form the act of 1924 defined a treaty trader as an alien entitled to enter the United States solely to carry on trade under and in pursuance of an existing treaty of commerce and navigation.

Under that provision of law a series of court decisions held in substance that the statute was not confined to an alien engaged in international trade but included an alien engaged in a purely local business within the United States. In one case, the alien was a national of Japan serving as editor of a Japanese-American paper in San Francisco. In another case, the alien was a native of Japan engaged as a pawnbroker in Seattle. In each of these two cases the alien was held to be entitled to status as a treaty trader.[10]

As a result of these decisions, the Congress on July 6, 1932, amended the law by requiring that in order for an alien to obtain treaty-trader status, he must carry on trade between the United States and the

[8] 22 CFR 61.140.

[9] A list of treaties of commerce and navigation in force at the present time appears in appendix XII, table 26, p. 903.

[10] *Shizuko Kumonomido* v. *Nagel*, 40 F. 2d 42 (1930); *Asakura* v. *City of Seattle*, 265 U. S. 332 (1924).

foreign state of which he is a national.[11] The amendment further permitted admission of the wife and unmarried children under 21 years of age of a treaty trader, if accompanying or following to join him.

As a result of the change of the law, aliens who entered as treaty traders between July 1, 1924, and July 5, 1932, but who were local traders as distinguished from international traders, could remain in the United States as long as they maintained the status of local traders. If they left the country they could not, however, return. Public Law 600 of the Eightieth Congress [12] was enacted to permit local traders to make visits outside the United States and return under the status in which they were admitted between the dates mentioned previously. This law provides for special reentry permits for this limited group of local traders.

(3) Procedure

(a) Prerequisites

Among the requirements for the establishment of treaty-trader status is that there must be a treaty of commerce and navigation which permits international commerce between merchants of the covenanting nations. For the establishment of treaty-trader status while the alien is in the United States, the trade must be presently in existence.[13] The rule has been applied in cases where the alien seeks a change of status to that of a treaty trader under section 3 (6) of the Immigration Act of 1924 by reason of having successfully negotiated contracts which called for shipment abroad of goods or for purchase of goods in this country to be shipped abroad, but where, as yet, no shipments have been made or received in pursuance of the contracts. The rule, in its more succinct form, is that where transactions are merely in a state of negotiation and where no present, actual volume of trade is in existence to prove a continued bona fide treaty-trader status, the Immigration and Naturalization Service will not consider a change of status to that of a treaty trader under section 3 (6) of the Immigration Act of 1924.

Another requirement for the establishment of treaty trader status is that the international trade must be substantial in volume. The word "substantial" does not necessarily have reference to the monetary value of the transactions but to the volume of the trade. Clearly, it would be possible to have one international transaction of great monetary value—as, for example, the shipment of a single painting—without the existence of treaty-trader status, whereas proof of numerous transactions, although each is of small value, would establish the requisite continued course of international trade.

It is the purpose of the statute to insure the existence of a bona fide, continued treaty trader status and to provide against the privileges of that status being granted to one concerned with a mere transitory, isolated excursion into international business. Consequently, the

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[11] Among the reasons given by the House Committee on Immigration for enactment of the proposed change was the following:

"To clarify the wording of the section in order to make clear the intent of the Congress that the provisions of the section should relate only to treaty aliens coming to the United States to engage in trade of an international character between the territory stipulated in the treaty and the United States, and not for the purpose of engaging in purely local trade. Court decisions have indicated the necessity of clarifying the wording of the section of the act referred to in order to make clear the intent of Congress as set forth above when it passed the Immigration Act of 1924."

[12] 62 Stat. 335, amending 43 Stat. 158; 8 U. S. C., 210 (a)-210 (f), approved June 3, 1948.

[13] *Tulsidas* v. *Insular Collector*, 262 U. S. 258, 264 (1923); *Tatsumi Masuda* v. *Nagle*, 55 F. (2d) 623 (1932).

money value of the transactions involved is only one of the indicia of bona fide treaty merchant status, to be taken in conjunction with other factors.

(b) Proof of status

It would be impracticable to list all means of proof which may be presented to establish treaty-trader status, but in general the following conditions are deemed adequate.

1. If the alien is associated with a corporation, partnership, or firm and is relying on such an association to entitle him to treaty trader status, he should present proof of his connection with the organization, such as articles of incorporation or a partnership agreement wherein he is named, together with a statement as to the proportion of corporate shares or proportionate part of the enterprise owned by him. In cases where the organization is unincorporated or where no partnership agreement exists, he should present an affidavit from a person in authority that he is actually a representative of that firm or is employed by it.

2. To prove the present existence of a substantial volume of international trade, the alien should submit copies of such documents as bills of lading, invoices, and statements, together with an estimate of probable business during the next year and copies of any contracts or agreements which will substantiate the estimate. Wherever possible, the documents submitted should identify the subject or his firm and its connection with the transaction in question.

The nonimmigrant status of a treaty trader is not to be confused with the nonimmigrant status of an alien who is admitted to this country as a temporary visitor for business under section 3 (2), which has been discussed previously.[14] Treaty traders are issued visas for not more than 1 year, to carry on trade between this country and a country with which the United States has a treaty of commerce and navigation, while temporary visitors for business from countries with which this Nation has no treaty of commerce and navigation may be granted admission for a reasonable fixed period not exceeding 6 months. The business of the alien admitted as a temporary visitor for business may include not only international trade but any other legitimate activity of a temporary nature classifiable within the ordinary meaning of the term "business" but not classifiable as pleasure or labor.

(c) Derivation of status by wife and children of treaty traders

In 1880, the United States and China negotiated a treaty for the control of admission into the United States of Chinese laborers, but exempted certain Chinese merchants who "were allowed to come and go of their own free will and accord." Such merchants were accorded "all the rights, privileges, immunities, and exemptions which are accorded to the citizens and subjects of the most-favored nations." In 1900, the Supreme Court of the United States, in construing the treaty, held that the wife and minor children of a Chinese merchant, who is himself entitled under the treaty to come to the United States, are entitled to come to the United States with him or after him.[15]

After the passage of the Immigration Act of 1924, the Immigration and Naturalization Service held administratively that the provisions

[14] See p. 525.
[15] *U. S. v. Mrs. Cue Lim*, 176 U. S. 459 (1900).

of that act required the exclusion from the United States of the wives and minor children of Chinese merchants who, prior to the passage of the act, had been permanently domiciled here, but in 1925, the Supreme Court held that alien Chinese wives and minor children of Chinese merchants, lawfully domiciled in the United States pursuant to the treaty, are not excludable even though their application for admission is made after the enactment of the 1924 act.[16] Other Federal courts have held that a Chinese merchant who was lawfully admitted into the United States pursuant to the treaty prior to 1924, communicates his status to his wife and minor children, and the wife and minor children as well as the husband-father may remain even though the husband-father subsequently loses his status as a merchant.[17]

It is upon the treaty provisions and the court's interpretation of them that the wives and children of treaty merchants, heretofore admitted, rest their claims to permanent resident immigration status. In the case of *Haff* v. *Yung Poy* [18] the court said that the rights of the alien were measured by the treaty of 1880 and not by the act of 1924 and that the treaty placed no limitations or restrictions upon the alien's stay in the United States. It is well settled that a Chinese merchant lawfully admitted prior to the act of 1924 may remain here after he has lost his status as a merchant.[19] Treaty merchants of whatever nationality who have come to the United States since the passage of the Immigration Act of 1924, are subject to deportation if they fail to maintain their exempt status. The resident wives and minor children of such merchants occupy the same status as their husbands-fathers.

b. Statistics

The number of treaty traders admitted from June 30, 1935, to June 30, 1948, is 7,086. Except for the period during the war years, there was no wide variance in the annual numbers admitted.[20]

c. Comment on practices and problems relating to treaty traders

A representative of a private civic organization, in a hearing before the subcommittee, stated that the present procedure requiring treaty traders to secure new visas every year if they must engage in frequent travel abroad is cumbersome. He asserted that aliens entering the country under the provisions of section 3 (6) of the Immigration Act of 1924, who are given passport visas that are valid for a period not to exceed 12 months would be treated more equitably if they were provided by the Immigration and Naturalization Service with return permits, such as are authorized for a limited group of treaty merchants under Public Law 600 of the Eightieth Congress. He contended that such treatment would be in the interest of this country, as well as in the interest of aliens whom we invite to do business with us.

An officer of the Immigration and Naturalization Service in New York stated that the Service had a problem with regard to aliens applying for change of status. In particular, he mentioned that there

[16] *Cheuno Sumchee* v. *Nagle*, 268 U. S. 336 (1925).
[17] *Hoff* v. *Young Poy*, 68 F. (2d) 203 (1933).
[18] Ibid.
[19] *Lo Hop* v. *U. S.*, 257 F. 489 (1926); and *Wong Sun Fay* v. *U. S.*, 13 F. (2d) 67 (1919).
[20] The number of treaty traders admitted between 1935 and 1948, by country of last permanent residence is given in appendix XII, table 27, p. 904. The number of persons deported for failure to maintain treaty trader status is given in table 28, p. 905. The number of wives and children of treaty traders admitted is given in table 29, p. 905.

were a considerable number of aliens who are admitted as visitors or in some other nonimmigrant category who apply for change of status to treaty traders. He pointed out that in most cases, it was a long process in order to determine whether or not such aliens are entitled to the status of treaty trader and that this process consumes a lot of time during which the alien may remain here. As an example, he stated that in a change of status case, documentary evidence desired by the central office is usually voluminous, since the central office wants all the details of the alien's trading, such as the volume of business, the country of which he is a national, a record of his travel back and forth for several years, bills of lading, invoices, and frequently, it is required that the Service examine the books of the corporation and make independent outside investigations. The officer stated that very often these aliens have a knowledge that the request for a change of status involves a long drawn out proceeding and will make a request for a change of status which is nothing more than frivolous. He expressed the opinion that any alien making application for such change of status should be required to pay a fee.

d. Conclusions

It is the opinion of the subcommittee that the basic statutory provisions controlling the entry of aliens as treaty traders under a nonimmigrant status are satisfactory in most instances. The subcommittee does, however, recommend that the treaty trader status should be limited to those aliens entitled to enter the United States solely to carry on substantial trade principally between the United States and the foreign state of which he is a national under treaty provisions with that foreign state. It is also believed that a fee of $25 should be charged for the filing of an application by a nonimmigrant requesting a change of status to that of a treaty trader.

8. TRAINEES

a. Applicable law and regulations

Closely allied to the question of the admission of foreign students discussed in the treatment of the nonquota classes,[21] is the problem of aliens who desire to enter the United States to receive training in industrial establishments and in international organizations located within our borders rather than in institutions of learning. Unlike students, trainees are not singled out for special treatment under any provision of the law such as section 4 (e) of the Immigration Act of 1924. The trainees enter the United States as temporary visitors under section 3 (2) of the act, and except as hereinafter noted, their admission is subject to the general regulations applicable to temporary visitors.

Aliens entering the United States to receive training are subject to the contract-labor provisions contained in section 3 of the act of 1917,[22] which excludes persons who have been induced, assisted, encouraged, or solicited to come to this country by offers or promises of employment, in consequence of agreements to perform skilled or unskilled labor in this country, or in consequence of advertisements for laborers distributed in foreign countries. The specific exemptions of certain

[21] See p. 458.
[22] 39 Stat. 874; 8 U. S. C., 136 (h).

persons from the exclusion do not include persons coming to this country to receive training in the development of manual skills.

Under the authority of the ninth proviso to section 3 of the act of 1917 which authorizes the Commissioner of the Immigration and Naturalization Service, with the approval of the Attorney General to issue necessary regulations to control the admission and return of otherwise inadmissible aliens applying for temporary admission, a procedure has, however, been established for the waiver of the contract labor provisions in the case of student laborers or trainees.[23] Where the trainees are admissible in every other respect except that they enter under contract, they may be admitted for training in an employer's establishment, provided a bond is furnished in a sum not less than $500, guaranteeing that they will be employed in no other capacity while in the United States and will leave the country immediately upon the completion of their course of training.

Regulations of the State Department permit the issuance of visas to qualified nonimmigrant temporary employees who present a waiver of the contract-labor provisions by the Attorney General.[24] An alien who holds an official position in his government and is sent to the United States at the expense of his government for recognized training purposes approved by the Commissioner of the Immigration and Naturalization Service, in an American commercial, financial, or industrial establishment or governmental agency, may be issued a gratis nonimmigrant temporary visitor visa under section 3 (2) of the act of 1924, as a "temporary visitor official trainee."

The United States Information and Educational Exchange Act of 1948 [25] authorizes the Secretary of State to provide for interchanges on a reciprocal basis between the United States and other countries of trainees under the same conditions and limitations applicable to alien students.

Congress through the passage of the Philippine Rehabilitation Act of 1946,[26] as a manifestation of good will to the Filipino people, authorized the expenditure of certain sums for the purpose of carrying out the various training programs set forth to aid in the rehabilitation of the Philippines. These programs include training in the United States in the construction and maintenance of public roads and port facilities, maintenance and operation of air-navigation facilities, weather services, development of fisheries, and in coast and geodetic surveys. The head of the bureau or agency in the United States under whose supervision or control the training is given is authorized to establish eligibility qualifications and to provide for the payment of the expenses incident to the training.[27] A Filipino designated for training under the act may enter the United States upon certification to the Immigration and Naturalization Service by the head of the appropriate bureau or agency that the entry is necessary. Such entry is deemed to be pursuant to section 3 (2) of the Immigration Act of 1924, but is not subject to any of the laws relating to immigration, exclusion, or expulsion except registration and fingerprinting as provided in the Alien Registration Act of 1940.[28] The period of stay

[23] 8 CFR, sec. 124.7.
[24] 22 CFR, sec. 61.137.
[25] 62 Stat. 6.
[26] 60 Stat. 128.
[27] Ibid., sec. 311 (c).
[28] 8 U. S. C. 451 et seq.

must end within a reasonable time, fixed by regulation of the Commissioner of the Immigration and Naturalization Service, after the termination of the training and any Filipino who fails to depart within such reasonable time is subject to deportation under section 14 of the Immigration Act of 1924.

b. Statistics

There are few reliable statistics on the number of trainees entering this country, since there is no special classification of trainees under section 3 (2). There is available, however, information with respect to the number of aliens involved in some of the in-service training programs of various Federal agencies.

Under the in-service training programs pursuant to the Act for Cooperation with Other American Republics,[29] the following number of in-service trainees have been brought to this country from other American Republics from 1942 to 1948:

Fiscal year:	*Number of trainees*
1942	39
1943	18
1944	158
1945	86
1946	147
1947	276
1948	287
Total	1,011

Under the Philippine Rehabilitation Act of 1946,[30] eight of the Government agencies responsible for carrying out the rehabilitation program are authorized to provide training for properly designated Filipinos. The subcommittee has been informed that as of December 31, 1948, there were 209 Filipinos receiving training under that act, 160 trainees had completed their training, and it was expected that an additional 327 Filipinos would begin training during the remainder of fiscal year 1949 and during fiscal year 1950, making a total of 700 Filipinos who will have received training during the life of the act.

While there are no over-all figures available as yet, it appears that there are a substantial number of aliens receiving in-service training under the auspices of the United Nations and various other international organizations.

According to a United Nations press release of June 3, 1949, 18 internes had just begun work under the first civil servants internship program at Lake Success. The purpose of the program is to provide civil servants of member countries and officials of private organizations with first-hand knowledge of the methods and procedures used by the United Nations Secretariat. The internes are assigned for a 2-month training period to departments in the Secretariat directly related to the jobs they hold in their own countries. The internes are from Brazil, Canada, China, Haiti, Iceland, Mexico, Philippines, and the United States. The foreign internes entered the country on section 3 (2) visas. Four internship programs had been held previously at Lake Success for other purposes.

[29] 53 Stat. 1290.
[30] 60 Stat. 128.

The International Bank for Reconstruction and Development has a program for training persons in the functioning of the bank. As of March 1949, there were seven trainees in this country under that training.

A welfare fellowship program has been set up within the Secretariat of the United Nations, which is administered by the Department of Social Affairs, Division of Social Activities. Fellowships are granted by the United Nations to afford an opportunity to governments of countries in need of developing their welfare services to send welfare experts abroad to observe the administration of welfare services in other countries. The maximum duration of each fellowship is 6 months. Under the 1947 program, 109 fellowships were granted and the fellows observed in Czechoslovakia, United Kingdom, France, Switzerland, Sweden, Denmark, Belgium, and the United States. Of this group 53 entered the United States to observe the administration of welfare services, from the following countries: Austria, 6; China, 7; Czechoslovakia, 5; Finland, 4; Greece, 4; India, 3; Italy, 1; Poland, 7; Philippines, 12; and Yugoslavia, 4. A similar program was authorized for the fiscal year 1948. The placement of these welfare trainees in the United States is under the supervision of the Federal Security Agency.[31]

c. Practices and problems relating to the admission of alien trainees under the immigration laws

(1) Trainee programs

As has been seen, the alien student who desires to pursue a course of study in the institutions of learning in this country is accorded special treatment under the immigration laws and the exchanges of students between the United States and other nations of the world are being actively sponsored by our Government and by many private organizations. It is the view of some that the needs of trainees, persons who seek to acquire knowledge by actually engaging in work to learn American technical, mechanical, business, and governmental practices in the stores, shops, factories, offices, farms, and governmental offices in this country, have been neglected. The tremendous industrial development in the United States has made it the superior training ground of the world and the limited training facilities in some areas of the world, as a result of the recent war, have increased the importance of this country's role in training programs.

The President of the American Scandinavian Foundation, which fosters the interchange of trainees as well as students, stated that in 1948 that organization was assisting 109 young Scandinavian trainees in this country who were learning by working in the fields of agriculture, banking, radio engineering, and hotel management. They received no wages but were given a subsistence allowance of a maximum of $180 per month. In most cases, the subsistence allowance was paid as a donation to the foundation which, in turn, passed it on to the trainees as a stipend. He stated that trainees are essentially students and asserted that sound trainee programs on a broad international basis have been neglected.

In recent years, the United States Government has shown an increased interest in sponsoring the entry of trainees into this country.

[31] United Nations Welfare Fellowship Programme, by Elma H. Ashton, Social Affairs Officer in Charge of Fellowships, Division of Social Activities, Department of Social Affairs, United Nations, April 1948 issue of Public Welfare.

Under Public Law 402, Eightieth Congress, the Secretary of State is authorized to arrange for the exchange of trainees as one of the means of accomplishing the objectives of that act. In the last decade, several programs have been established under which aliens are encouraged to obtain training in this country. The programs have primarily offered training opportunities to persons from the Latin-American Republics, in line with our country's policy to better hemispheric relations. Much of the training offered under the progams has been in the nature of in-service training in the departments and agencies of the United States Government.

Under the Cooperation With Other American Republics Act,[32] a program has been in effect for several years providing in-service training in many of the departments and agencies of the United States Government for trainees from Latin-American countries. Under the authority of the act, the Interdepartmental Committee on Scientific and Cultural Development was established which sponsors the training programs. The committee is composed of representatives from approximately 25 agencies of the Government, although all of the agencies do not necessarily have active trainee programs.

Public Law 701 of the Seventy-ninth Congress authorizes the Chairman of the Maritime Commission to permit a maximum of 12 persons from other American Republics to receive instruction at the United States Merchant Marine Academy at Kings Point at any one time. These persons are designated by the President and receive pay in the course of their training. Under the Institute of Inter-American Affairs Act,[33] an institute was created to strengthen understanding between American Republics and to collaborate in planning, initiating, assisting, and financing programs, especially in the field of public health, sanitation, agriculture, and education. Some trainees are admitted into this country under the auspices of that institute.

Provision has also been made for bringing aliens to this country for training purposes under the Philippine Rehabilitation Act of 1946, which authorizes the expenditure of funds for the purpose of carrying out the various training programs for Filipinos to aid in the rehabilitation of the Philippines.[34] Various agencies of the United States Government are authorized to provide for and supervise the training and to establish the eligibility requirements for candidates. Assistance under the act may not be extended after June 30, 1950, except to complete the training authorized prior to July 1, 1950.

In addition to trainees who enter this country under the sponsorship of the United States, trainees are entering the country upon the invitation of international organizations under the United Nations Headquarters Site Agreement[35] and the International Organizations Immunities Act.[36]

The interest in the alien trainee has ceased to be primarily the interest of industrial and business enterprises in having American-trained personnel in foreign countries. The promotion of trainee programs has been adopted as part of the United States foreign policy as a means of spreading a better understanding of our country among the

[32] 53 Stat. 1290.
[33] 61 Stat. 780.
[34] See p. 568.
[35] 61 Stat. 756.
[36] 59 Stat. 669.

peoples of the world, and assisting in the rehabilitation of war-devastated countries.

(2) Practices and problems relating to trainees

Aliens who enter the United States as trainees are admitted on visas under section 3 (2) of the Immigration Act of 1924, which is the classification for temporary visitors for business or pleasure. A representative of a private organization stated, however, that their status is somewhat unclear. Under the immigration laws, a waiver of the contract-labor provisions of section 3 of the Immigration Act of 1917 must be obtained if the trainees are paid directly by the training firm. On the other hand, if they are sponsored by a recognized educational agency and paid by it, no waiver is required and they are admitted on a special trainee visa under section 3 (2), which the Department of State has authorized its consular officials to issue in proper cases. Under the Philippine Rehabilitation Act of 1946 trainees are admitted without regard to any provision of the immigration laws, other than the Alien Registration Act of 1940, and are admissible notwithstanding the contract-labor provision.

The different treatment accorded the alien trainee under the immigration laws on the basis of the source of the compensation or subsistence allowance apparently results from the efforts of the Immigration and Naturalization Service to make certain that the alien is a trainee as distinguished from a contract laborer. Where the alien seeks to enter solely for the purpose of training and will not be paid by the training concern nor displace American labor, he is not considered a contract laborer. In that case, no application need be made for his importation and he may enter as a temporary visitor under the conditions applicable to other visitors. If the trainee is to be paid compensation by the training firm, he is considered a contract laborer and a waiver must first be obtained, and a bond of not less than $500 must be posted to guarantee that the trainee will not be employed in any other capacity and that he will leave the country upon completion of his training.[37]

A representative of a recognized educational organization interested in trainee exchanges stated that trainees should be specifically recognized under the law and their status clarified, particularly since their admission has been approved in principle in Public Law 402. He asserted that the law should provide for a special visa under section 3 (2) where the trainees are sponsored by a recognized educational agency and trainees should be exempted from the contract labor clause to permit receipt of a subsistence allowance from the training firm or other establishment. He made it clear that undesirables should not be admitted, that aliens should not be permitted to displace American workers, and that trainees should not be given jobs but an opportunity to work through study and should be permitted to take no earnings out of the country with them. He stated that the period of training should be limited to 18 months since it is basic to the programs that the trainees return to their own country.

To dissipate any fear that the trainees might be displacing American labor, a representative of the Institute of International Education pointed out that the Immigration and Naturalization Service requires

[37] 8 CFR, sec. 124.7.

training firms go on record that the trainees will not displace American labor.

d. Conclusions and recommendations

It is the conclusion of the subcommittee that the laws with respect to the admission of alien trainees in the United States are satisfactory in most respects. It appears that the interests of American labor are adequately protected since the contract labor clause of the law must first be waived by the Attorney General where the trainee is paid directly by the training firm and since a bond must be posted to guarantee maintenance of temporary status. The subcommittee is aware that the Congress has countenanced the admission of alien trainees through the encouragement of their exchange under Public Law 402 of the Eightieth Congress. The subcommittee does not, however, believe that trainees should be treated as a special classification of nonimmigrants under the law.

Attention has already been called to the fact that a number of alien trainees are receiving "in service" training under various programs sponsored by the United Nations and other international organizations. While they are entitled to certain privileges under the immigration laws, the subcommittee recommends that strict control should be maintained over the entry and departure of such aliens to guarantee that they maintain a temporary status.

9. TEMPORARY AGRICULTURAL WORKERS

a. Historical background

(1) Agricultural labor shortage pre-World War II

Quotas set up by the Immigration Act of 1924 caused a decline in European immigration as a source for filling labor needs. These quotas are not applicable to native-born residents of countries in the Western Hemisphere. Such persons could be admitted as immigrants in unlimited numbers, provided, they were otherwise admissible under the immigration law. Thus, many Mexicans were able to qualify for immigration and were legally admitted into the United States. In other cases, Mexicans, who were subject to exclusion on illiteracy or other grounds, effected illegal entry by wading the shallow Rio Grande giving rise to the term "wetback" which is the term presently used in reference to all illegal Mexican entrants. Officials of the Service claim that the hiring and firing of "wetbacks" has been done by United States farmers since the first settlers started farming and ranching in the vicinity of the Mexican border. This practice has become so much of a custom that it is difficult to impress many of these farmers with the fact that Mexican aliens are subject to the immigration law.[38]

Although the mechanization of agricultural work has made great advances during this century, the mechanization of harvest operations has lagged considerably behind that of preharvest operations.[39]

Machines do a major portion of the preharvest operations and greater areas can be cultivated by fewer men but this same mechanical

[38] U. S. Department of Labor, Bureau of Immigration, Problems of the Immigration Service, January 1929, p. 12.

[39] U. S. Department of Agriculture, Farm Labor Requirements in the United States, 1939–44, April 1947, p. 2.

progress is not true of harvest operations. The greater yields produced by mechanized cultivation have required an increased demand for more laborers to harvest these crops with a minimum of spoilage. Once these crops ripen, they must be harvested quickly, creating a seasonal need for migratory labor.[40]

(2) *Agricultural labor shortage, World War II*

When the United States entered World War II, the movement of agricultural laborers into the armed forces and into war industries seriously depleted the farm labor supply. The stream of migratory agricultural laborers which followed the harvest seasons around the United States shrank to an alarming degree. By 1942, it was apparent that farmers would require considerable numbers of outside laborers to plant and harvest their crops. By virtue of an Executive order issued in 1942, the Department of Agriculture arranged the transportation of domestic agricultural labor from areas containing a relatively plentiful supply to areas of need. This operation was not adequate to relieve completely the labor shortage. Investigations by various Government agencies and congressional committees found that a government-sponsored program would have to be initiated to recruit and import alien agricultural laborers. It was decided to import native-born residents of countries in the Western Hemisphere to prevent the admission of enemy aliens.

On September 27, 1942, the first such agricultural laborers were admitted at El Paso, Tex., from Mexico. They were temporarily admitted for agricultural labor in the United States pursuant to an agreement between Mexico and the United States and under the authority of the ninth proviso to section 3 of the act of 1917. The certification of need for laborers was made by the United States Employment Service to the Commissioner of Immigration and Naturalization. Similar international agreements were subsequently made with other Western Hemisphere countries.

Realizing the need for special legislation to facilitate the temporary admission of agricultural laborers, the Seventy-eighth Congress enacted Public Law 45 on April 29, 1943, which was amended and extended by Public Law 229 of the Seventy-eighth Congress. These acts provided the legal framework for recruitment and temporary admission of agricultural laborers from Western Hemisphere countries from April 29, 1943, to December 31, 1947. Subsequent special legislation merely authorized time extensions of the authority provided in these basic statutes.

(3) *Agricultural labor shortage after World War II*

The critical wartime shortage of agricultural laborerers continued after World War II hostilities ceased, requiring further negotiations with Mexico for a new agreement on recruitment of Mexican nationals for temporary agricultural employment. A new agreement was signed with Mexico on February 21, 1948. An informal postwar agreement was also reached during 1948 with the Central Labor Organization of the British West Indies providing for the recruitment of native-born residents for temporary agricultural labor in the United States. On July 3, 1948, the Eightieth Congress approved Public Law 893 which provided for the recruitment of foreign agricultural laborers

[40] For the volume and pattern of migratory labor see ch. II, sec. L, p. 269.

within the Western Hemisphere and agricultural laborers from Puerto Rico for temporary employment in the United States. This statute which expired on June 30, 1949, did not authorize the admission of the recruits, but only authorized the recruitment and necessary funds therefor. Admission was accomplished under the authority of the ninth proviso to section 3 of the act of 1917.

On October 20, 1948, Mexico declared that the United States had abrogated the agreement of February 21, 1948, on the ground that on October 18, 1948, the United States dropped its immigration bars and permitted the immediate influx of some 4,000 Mexicans, who were arrested by the Immigration and Naturalization Service as illegal entrants and paroled to various employers. This action was an emergency measure to prevent the imminent possibility of crop spoilage in certain Southwestern States. It appears that delays caused by contract negotiations were prolonged to the point where laborers could not be legally admitted in time for the harvest.

(4) Domestic labor opinions

Some organizations in the United States are opposed to the importation of foreign agricultural workers, claiming that domestic labor is adequate to fill our needs. The American Federation of Labor was firmly opposed to the farm labor supply program authorized by Public Laws 45 and 229 of the Seventy-eighth Congress. This organization stated that the continuation of such programs will menace labor in this country and threaten our economy.[41] The National Citizens Council for Migrant Labor asserted that a system of better coordination of migratory labor movements would result in eliminating the need to import alien workers.[42]

It was decided by a joint agreement between the Federal Security Agency and the Puerto Rican Department of Labor during the spring of 1949 that in the future Puerto Ricans will be given preference over alien agricultural laborers for work on the mainland of the United States. Such preference would alleviate the labor problem in Puerto Rico. During the sugarcane season, which lasts from November to May, approximately 142,000 Puerto Ricans are employed in this industry, but during the off season from 60,000 to 75,000 are unemployed.[43]

b. Applicable law and regulations

(1) Contract laborers

Aliens who are classified as contract laborers are mandatorily excludable from the United States by virtue of section 3 of the act of 1917. This section makes excludable aliens "who have been induced, assisted, encouraged, or solicited to migrate to this country by offers or promises of employment, whether such offers or promises are true or false, or in consequence of agreements, oral, written, or printed, expressed or implied, to perform labor in this country of any kind, skilled or unskilled, * * * who have come in consequence of advertisements for laborers, printed, published, or distributed in a foreign country." [44] Section 3 lists employment classifications that are specifically exempt from exclusion by virtue of

[41] Report of the proceedings of the Sixty-seventh Convention of the A. F. of L., November 15-22, 1948, p. 139.
[42] National Citizens Council for Migrant Labor, Bulletin No. 2, June 1948, pp. 1-2; U. S. Department of Agriculture, Extension Service, 1947, Farm Labor Information Program, p. 2.
[43] U. S. Department of Labor Bulletin, Labor Information, March 1949, p. 12.
[44] 39 Stat. 874; 8 U. S. C. 136 (h).

the fifth and eighth provisos. The fifth proviso specifically exempts from exclusion as contract laborers aliens who are professional actors, artists, lecturers, singers, nurses, ministers of any religious denomination, professors for colleges or seminaries, persons belonging to any learned profession, and persons employed as domestic servants. The eighth proviso grants this same exemption to employees of any foreign exhibitor or holder of concession or privilege for any fair or exhibition authorized by act of Congress.

(2) *Admission authority*

(a) *Ninth proviso*

Although section 3 of the act of 1917 makes contract laborers mandatorily excludable, the ninth proviso to this section authorizes the Attorney General to grant a waiver of exclusion to any inadmissible alien who seeks temporary admission into the United States.

The ninth proviso was used as the authority to permit the temporary admission of foreign agricultural laborers into the United States prior to April 29, 1943. Temporary admission of such laborers after that date and up to December 31, 1947, was authorized by specific legislation which will be subsequently discussed.

(b) *Special wartime legislation*

(i) *Public Law 45, Seventy-eighth Congress.*—After April 30, 1943, a series of temporary acts of Congress, known as the farm labor supply appropriations acts made funds available to assist in providing an adequate supply of laborers and to provide for the recruitment and temporary admission of agricultural workers who were native-born residents of Western Hemisphere countries. The acts authorized a governmentally supervised farm labor supply program which lasted from April 30, 1943, to December 31, 1947. Public Laws 45 and 229 of the Seventy-eighth Congress constitute the basic legal framework for the temporary admission of foreign agricultural laborers. The other acts in this series merely granted time extensions to these basic laws. It was also necessary to invoke the provisions of the ninth proviso at various times during the effective period of the special legislation. An instance of such action is the case of certain Canadian nationals who were not native-born residents of Canada, but who sought temporary admission into the United States as agricultural laborers. The provisions of Public Law 45, applied only to native-born residents of Western Hemisphere countries. It was decided that Canadian nationals who were not native-born could be and were admitted under the ninth proviso. Their admission was in conjunction with the admission of native-born Canadians permitted temporary admission as agricultural laborers under Public Law 45. All of the persons admitted from Canada were required to present special "labor exit permits" which authorized them to leave Canada, because there was no general agreement between the United States and Canada regarding the admission of nonskilled agricultural workers.

By virtue of Public Law 45 of the Seventy-eighth Congress foreign agricultural workers were exempt from—

1. Payment of head tax or other admission charges.
2. The provisions of section 3 of the act of 1917, which relate to literacy requirements, contract labor, and the payment of passage by corporations, foreign governments, or others.

3. The provisions of sections 5 and 6 of the act of 1917 which make generally unlawful the importation of foreign contract laborers for employment in this country.

4. Registration under the Alien Registration Act of 1940.

5. All documentary requirements other than an identification card (with photograph and fingerprints) which was prescribed by regulations set up by the Commissioner of Immigration and Naturalization.

Section 3 (c) of Public Law 45 provided that the Administrator of Food Production and Distribution, who was responsible for the expenditure of the appropriated funds, was authorized to cooperate with the Secretary of State in the negotiation or renegotiation of agreements with foreign governments regarding the importation of workers into the United States. Section 4 (b) of this act provided that no part of the appropriation could be used in any manner—

> to fix, regulate, or impose minimum wages or housing standards or to regulate hours of work * * * except with respect to workers imported into the United States from a foreign country and then only to the extent required to comply with agreements with the government of such foreign country.

The regulations prescribed by the Commissioner of Immigration and Naturalization, which supplemented the act, defined agricultural labor as service performed in connection with farming in all of its branches, including tillage and cultivation of soil, dairying, cultivation, growing and harvesting of any agricultural or horticultural product, as well as raising and shearing of livestock and handling poultry.[45] Prerequisites to the admission of an applicant were: [46]

1. Submission of an alien laborer's identification card.

2. Submission of a birth certificate or other evidence that birth was actually in the country claimed.

3. Proof that he was not an alien enemy.

4. Proof that he was in certain other respects admissible under the immigration law.

The identification card prescribed by the regulations had to bear the holder's photograph and the imprint of his right thumb and right index finger, in addition to his name, place of birth, and citizenship. The card was issued at the point of recruitment and had to be endorsed by the admitting immigrant inspector at the port of entry. This endorsement consisted of a statement indicating the date, place of admission, and period for which the alien was admitted. The period of admission was not to exceed 1 year; extensions could be granted, but only by specific instructions from the central office of the Immigration and Naturalization Service.[47]

If the laborers were accompanied by their families, only members who would devote a major portion of their time to farm work were entitled to the issuance of an identification card. The other members of the family had to comply with all the usual requirements of our immigration laws. Women who were bona fide agricultural workers were eligible for admission under the same conditions applicable to the men.[48]

The regulations supplementing the statutory provisions provided that the laborers were exempt from alien registration, but a record of

[45] 8 CFR 115, 1938 ed; 2 cum supp. (1943).
[46] 8 CFR 115.2, 1938 ed.; 2 cum. supp. (1943).
[47] 8 CFR 115.3 and 115.4, 1938 ed.; 2 cum. supp. (1943).
[48] Monthly Review, July 1943, p. 8.

each laborer's fingerprints, with the notation "admitted as imported laborer under (general or group) waiver" was forwarded to the central office of the Federal Bureau of Investigation.[49]

(ii) *Public Law 229, Seventy-eighth Congress and subsequent special acts.*—The act of February 14, 1944,[50] reenacted the admission authority set forth in Public Law 45 of the Seventy-eighth Congress. It gave the War Food Administrator an additional authority which permitted him to divert temporarily alien agricultural laborers to employment in packing, canning, or other processing of perishable or seasonable agricultural products. Subsequent special legislation extended the admission authority of Public Laws 45 and 229 of the Seventy-eighth Congress until December 31, 1947. Special acts included Public Laws 529 and 373 of the Seventy-eighth Congress, and Public Laws 124 and 269 of the Seventy-ninth Congress.[51]

(c) *Fourth proviso*

The fourth proviso to section 3 of the act of 1917 authorizes the Attorney General to grant waivers of the exclusion clause regarding skilled contract laborers when investigation reveals that "labor of like kind unemployed cannot be found in this country." Certifications of availability or nonavailability of domestic labor were made by regional offices of the War Manpower Commission in the area in which the foreign labor was to be employed. Small groups of aliens who were skilled agricultural workers, cowboys, sheep herders, dairy workers, and skilled ranch hands were admitted under this authority prior to the enactment of Public Law 45 of the Seventy-eighth Congress. Thereafter, aliens of this classification who were native-born residents of Western Hemisphere countries, were admitted under the authority of Public Law 45. Under the exercise of the fourth proviso, waivers were also granted for aliens who were not native-born residents of Western Hemisphere countries. The most important of such waivers were those invoked for Basque sheep herders who resided in Mexico, the Azores, or Spain.

(d) *Ninth proviso*

Since the expiration of the special wartime legislation, the temporary admission of native-born agricultural laborers from Western Hemisphere countries has been under the authority of the ninth proviso to section 3 of the act of 1917. Before the ninth proviso can be invoked to permit admission of laborers, certain conditions must be met: [52]

1. A need for their services must be established following investigations and certification by the Immigration and Naturalization Service and the United States Employment Service, respectively.

2. It must be shown that admission will not result in the displacement of American farm workers or otherwise detrimentally affect labor in this country.

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[49] 8 CFR 170.1 (i) (1938 ed.; 1944 supp.).
[50] 58 Stat. 11.
[51] Immigration and Naturalization Service, Annual Reports of 1945, p. 14; 1946, p. 16; 1947, p. 14.
[52] Pamphlet issued jointly by Commissioner of Immigration and Naturalization and Director of U. S. Employment Service, Temporary Admission of Nationals of Mexico to the United States to Engage in Agricultural Employment Under the Agreement of February 21, 1948, Governing the Migration of Mexican Agricultural Workers, April 8, 1948, pp. 1-3.

(3) Admission and deportation procedure

(a) International agreements

Most of the agricultural laborers who have been imported into this country from countries in the Western Hemisphere were admitted pursuant to executive agreements between the United States and the country of origin. All of the special legislation previously discussed recognized these agreements either directly or indirectly. These international agreements have generally provided that (1) such laborers would be exempt from selective service; (2) such laborers would be exempt from certain requirements of our immigration laws, such as literacy requirements and payment of head tax or other admission charges; (3) such laborers would be guaranteed round-trip transportation; (4) hours of work and wages would be equal to those of domestic labor in the United States; and (5) the foreign government would determine the number and types of laborers who could leave that country without adversely affecting its economy.

Our agreement with Mexico of August 4, 1942, provided a recruitment quota of 75,000 Mexican laborers.[53] Under the agreement of April 10, 1947, Mexican farm laborers who were in the United States in an illegal immigrant status were permitted to be taken to Mexico by their employers and contracted at special border recruiting points. In this manner approximately 55,000 such laborers were contracted and readmitted lawfully during the last 6 months of 1947.[54] The Mexican Government, on October 20, 1948, declared that the current agreement had been abrogated by the United States. It had provided for the importation and/or recontracting of 50,000 Mexican farm workers.[55] The agreement of August 1, 1949, permits Mexicans to be contracted by growers in Texas and it also permits the contracting of "wet backs" whose immigration status will be readjusted.

International agreements were also made during the war with certain other countries in the Western Hemisphere. An agreement was reached with the Bahamas on March 16, 1943, with Jamaica on April 5, 1943, with Newfoundland during the spring of 1944, and with Barbados and Honduras during the fiscal year 1945. After World War II hostilities had ceased, postwar agreements were reached with Canada during the summer of 1948 to import some 7,000 agricultural workers. Agricultural workers (not including woodsmen) who were admitted from Canada during the war were admitted without the formality of any international agreement but only holders of Canadian labor-exit permits were admitted. The wartime agreement with Jamaica and the Bahamas has expired, but an informal agreement with the Central Labor Organization of the British West Indies has permitted recruitment of agricultural laborers there. Public Law 893 of the Eightieth Congress permitted recruitment in the British West Indies by the Federal Security Agency, but the law expired on June 30, 1949. Although the law authorized such recruitment, it did not provide special authority for the admission of the recruited laborers. Admission was authorized by the Attorney General's exercise of the ninth proviso.[56]

[53] Monthly Review, Immigration and Naturalization Service, April 1947, p. 130.
[54] Ibid., October 1947, p. 41; Interpreter Releases, vol. XXVI, No. 32, July 22, 1949, p. 241.
[55] Annual Report, Immigration and Naturalization Service, 1948, p. 16.
[56] Immigration and Naturalization Service, Annual Report, 1943, p. 9; 1945, pp. 14-15; 1948, p. 16.

(b) Recruitment

During the war recruitment of agricultural laborers who were native-born residents of Western Hemisphere countries was accomplished by representatives of the United States Department of Agriculture in the countries with which we had international agreements, including Mexico, Jamaica, the Bahamas, Barbados, and Newfoundland. Recruitment was in accordance with the provision of these agreements which stated that the foreign government would decide how many and the type of its workers who would be permitted to leave.[57]

Mexico maintained a rigid control at all times over the recruitment process involving its nationals, except when, on April 10, 1947, some 55,000 Mexican "wet backs" were permitted to be taken from the United States to recruiting centers established on the Mexican border. If these "wet backs" were found qualified, they were given a contract and lawfully readmitted to continue in their original jobs. Normally the Mexican Government only permitted recruitment of its nationals in Mexico City. A message from Mexican authorities would be sent to the governors of the Mexican Provinces stating that agricultural workers who desired to be recruited for temporary labor in the United States should come to Mexico City where the recruiting staff of the United States Government was located. Only Mexicans who had been issued recruitment cards by the Mexican Department of Labor were permitted to be examined by United States officials. The officials of the United States consisted of representatives of the Department of Agriculture, who interviewed the applicants concerning their experience as farmers or farm workers; representatives of the United States Public Health Service, who medically examined the applicants and inoculated them against typhoid and vaccinated them against smallpox; and representatives of the Immigration and Naturalization Service who conducted a preexamination of the applicants.

At these recruitment points the aliens entered into contracts for their services, which were signed by the worker and the employer's representative.

The contracts guaranteed that (1) employment would be exclusively agricultural work; (2) transfers could be effected between employers before the termination of the contract provided the worker and the Mexican Government gave prior approval to such transfer; (3) wages to be paid would be the same paid to similar domestic laborers and wages received on a piece-work basis could not be lower than the minimum received on an hourly basis; (4) housing and medical care would be free, living conditions were to be similar to that of similar domestic labor in the area of employment; (5) 10 percent of the worker's wages would be withheld as savings and all wages so withheld would be paid the worker in a certified check to his order; (6) transportation and subsistence from the point of recruitment to the point of employment and return would be furnished the worker; (7) the contract could not exceed 6 months, and if the employer was not satisfied with the worker's services, the contract could not be terminated prior to the stipulated term of the contract until an investigation and determination was made jointly by the Mexican consul, the United States Employment Service, and the Immigration and Naturalization Service; and (8) that employment would last for at least

[57] Monthly Review, Immigration and Naturalization Service, April 1947, p. 132.

75 percent of the contract period. If such employment lasted for less than 75 percent of the period, the worker was guaranteed $3 per day for every day required to complete 75 percent of the contract period.[58]

Officials of the United States Employment Service asserted that the Mexican Government has constantly refused to accept contracts with employers in Texas, on the grounds that employers in Texas discriminate against the Mexicans.

(c) *Preexamination*

Immigration officers were detailed for preexamination purposes to Mexico, Jamaica, the Bahamas, Barbados, Honduras, and Newfoundland during each recruitment from these places.[59] Aliens who were preexamined outside of the United States were issued an "Alien Laborer's Permit or Identification Card" at the point of recruitment. Aliens who were not preexamined were issued such cards at the port of admission. Across the face of these cards was stamped the statement "for agricultural labor only" and the card was endorsed to indicate the specific period of admission. These cards served as manifests for those who entered via our land-border ports, but the usual manifests were required for those who entered via our seaports of entry.

Aliens who were found admissible as temporary agricultural laborers were fingerprinted, and identifying prints were placed on the permit or identification card. Complete prints of both of the alien's hands were made on a form which was then mailed to the Federal Bureau of Investigation. Medical examinations were conducted at certain places of recruitment by representatives of the United States Public Health Service or certain other medical officers designated by the Public Health Service.

(d) *Bonds*

Agricultural laborers admitted under the provisions of Public Laws 45 and 299 of the Seventy-eighth Congress were not required to post bond to insure departure at the termination of the admission period. This exemption applies to agricultural laborers who were admitted from September 1942 to April 29, 1943, under the authority of the ninth proviso to section 3 of the act of 1917. The skilled agricultural laborers who were admitted, prior to April 29, 1943, under the authority of the fourth proviso were required in most instances to post a bond in the amount of $500 or, in the case of blanket bonds, in an amount determined by the Immigration and Naturalization Service.

Mexican nationals admitted pursuant to the agreement of February 21, 1948, were admitted under bond furnished to the Immigration and Naturalization Service by each employer which were usually blanket-type bonds. The bonds furnished by employers in areas other than Immigration and Naturalization districts on the Mexican border were as follows:

	Each
Fewer than 500 workers	$20
From 500 to 1,000 workers	15
1,000 or more workers	10

[58] Pamphlet issued jointly by Commissioner of Immigration and Naturalization, Director of U. S. Employment Service, Temporary Admission of Nationals of Mexico to the United States To Engage in Agricultural Employment Under the Agreement of February 21, 1948, April 8, 1948, pp. 8–12.

[59] Monthly Review of Immigration and Naturalization Service, April 1947, p. 132.

The bonds furnished by employers in Immigration and Naturalization districts located on the Mexican border were as follows:

	Each
Fewer than 500 workers	$10.00
From 500 to 1,000 workers	7.50
1,000 or more workers	5.00

The principal conditions of the bonds were (1) that the admission status of the agricultural laborer would be maintained, and (2) that the laborer would be returned to the original point of contracting in Mexico at the employer's expense at the termination of the contract or extension thereof.[60]

(e) *Deportation*

Aliens admitted as agricultural laborers under the wartime farm labor supply program who failed to maintain their status as agricultural laborers were subject to deportation. Deportation procedures in such cases were somewhat different from the normal deportation procedures. Agricultural laborers were questioned as to whether they were willing to return to work pursuant to their contract. If the alien's answer was "Yes," the employer, who had him under contract, was contacted. If the employer signified that he would reemploy the alien and if the immigration officer in charge was satisfied that the alien intended to maintain the conditions of his original contract, then the alien was either released on his own pledge or paroled to his employer.

Aliens who failed to depart at the termination of their lawful period of admission were also subject to deportation but, before deportation proceedings were initiated, an investigation was made. If this investigation showed (1) that the alien desired an extension of stay, (2) that an extension of stay could be granted, and (3) that the alien would be reemployed, then the alien was returned to his employment. When an extension could not be granted and it was not practicable to return the alien to his former employment, the alien was given a chance to depart voluntarily from the United States. The alien was conducted under safeguard to the port of embarkation. His transportation and subsistence were paid by the employer or the responsible agency. The expense for detention or for the Immigration and Naturalization Service personnel who acted as guards in effecting the departure was not chargeable to the individual employer or the responsible agency.

In the event that the alien's return to his employment or his voluntary departure could not be effected, the normal deportation proceedings were followed. In those cases, it was specified that the record indicate: (1) Whether the alien was admitted under contract or not (this would indicate the employer's responsibility for return transportation), and (2) that the alien had been offered and refused an opportunity to be reemployed or to depart voluntarily.

c. Statistics

Available statistics on aliens imported from Western Hemisphere countries to perform agricultural labor in the United States are not complete. Some of these data are based on the calendar year and some on the fiscal year. The number of such aliens imported each

[60] Pamphlet issued jointly by Commissioner of Immigration and Naturalization, Director of United States Employment Service, Temporary Admission of Nationals of Mexico to the United States To Engage in Agricultural Employment Under the Agreement of February 21, 1948, Governing the Migration of Mexican Agricultural Workers, April 8, 1948, pp. 5–6.

year as distinguished from the number who were held over from a preceding year is generally not given nor is the number of such aliens who were able to remain in the United States during most of the wartime program for importing laborers indicated. From 1943 to 1948 (calendar years) the numbers of such imported alien laborers were as follows:

Country	1943	1944	1945	1946	1947	1948	Total
Mexico	52,098	62,170	49,454	32,046	19,632	33,288	248,688
Bahamas	4,698	3,048	2,100	2,690	2,705	1,200	16,441
Jamaica	8,828	15,673	17,291	7,796	1,017	1,300	51,905
Barbados	.....	908	.....	3,087	.....	400	4,395
British Honduras	.....	.....	.....	197	.....	.....	197
Canada	.....	1,414	4,055	5,533	6,272	8,000	25,274
Newfoundland	.....	1,375	535	.....	.....	.....	1,910
Total	.....	.....	.....	.....	.....	.....	348,810

(i) *Fiscal year 1943.*—During the fiscal year 1943, 42,057 agricultural laborers from Western Hemisphere countries were admitted under the wartime farm labor supply program; 30,117 came from Mexico; 8,819 from Jamaica; and 3,121 from the Bahamas (752 of these were women).[61]

(ii) *Fiscal year 1944.*—The admissions of agricultural laborers from Western Hemisphere countries, during the fiscal year 1944, totaled 97,011—74,362 were from Mexico, 15,673 from Jamaica, 4,762 from the Bahamas, 1,036 from Newfoundland, and 908 from Barbados. At the close of the 1944 fiscal year 82,098 of these agricultural laborers were still in the United States—56,579 were Mexicans, 5,845 Bahamans, 17,730 Jamaicans, 908 natives of Barbados, 1,036 Newfoundlanders.[62]

(iii) *Fiscal year 1945.*—From the inception of the wartime farm labor supply program to the end of the fiscal year 1945, the total number of aliens imported as agricultural workers reached 217,205; of whom 111,670 were repatriated, 241 had died in the United States, and 5,860 were transferred to industrial employment. Thus, the number of such aliens employed in agricultural labor by the end of the fiscal year 1945 was 99,434.[63]

(iv) *Fiscal year 1946.*—Alien agricultural laborers who were still in the United States at the end of the fiscal year 1945 were given a blanket extension of temporary stay by the Immigration and Naturalization Service, permitting them to be continued in agricultural employment up to December 31, 1945. The Seventy-ninth Congress enacted Public Law 269 which extended Public Law 229 of the Seventy-eighth Congress to December 31, 1946, and the recruitment of agricultural laborers was resumed. As a result, 36,758 additional agricultural laborers were imported during the fiscal year 1946. Of this total 25,300 were Mexicans, 6,105 Jamaicans, 2,266 Bahamans, and 3,087 came from Barbados. By the end of the fiscal year 1946, such laborers still in the United States totaled 61,745, plus an undetermined number of the 4,000 Canadian agricultural workers who were admitted for short periods throughout the year, as well as a few hundred who had been transferred to agriculture from industrial employment. Of the total still remaining in the United States at

[61] Annual Report of Immigration and Naturalization Service, 1943, p. 10.
[62] Annual Report, Immigration and Naturalization Service, 1944, p. 11.
[63] Annual Report, Immigration and Naturalization Service, 1945, pp. 14-15.

the end of the fiscal year 1946, 43,088 were Mexicans, 5,052 Bahamans, 9,589 Jamaicans, 3,187 Barbadians, 669 Newfoundlanders, and 160 from Honduras.

During the fiscal year 1946, 52,902 Mexicans, 3,067 Bahamans, 18,301 Jamaicans, and 437 Newfoundlanders were repatriated.[64]

(v) *Fiscal year 1947.*—At the end of the fiscal year 1947, 51,933 Mexican agricultural laborers were in the United States under the farm labor supply program, as well as 5,557 Bahamans, 5,540 Jamaicans, 489 Canadians, 279 Newfoundlanders, 60 Hondurans, and 664 Barbadians.[65]

(vi) *Fiscal year 1948.*—During the fiscal year 1948, approximately 11,000 Mexican nationals were imported and 12,000 already employed in the United States were recontracted to continue such employment. An informal agreement with the Central Labor Organization of the West Indies was concluded for the importation of approximately 10,000 West Indian agricultural laborers.[66]

d. Comment on problems relating to agricultural laborers

(1) Illegal agricultural laborers

The tremendous influx of Mexicans who have illegally entered the United States started during the late war, basically due to our shortage of agricultural labor, which was particularly acute in our southwestern areas, and to the greater economic opportunities in the United States. It is true that there was a legal program to permit the admission of agricultural laborers, but, apparently, it was not adequate to meet the labor requirements. Farm owners have used considerable numbers of illegal Mexican laborers during and since World War II; a large majority of our apprehended illegal entrants are Mexican; most of them have come to seek agricultural employment.[67]

Each year since 1943, the number of apprehensions of illegal entrants from Mexico per year has grown greatly. During 1943 there were 11,775 apprehensions; during 1944, 28,173; during 1945, 64,368; during 1946, 92,107; during 1947, 183,832; and during 1948, 180,074. The total apprehensions of illegal entrants, during the first 6 months of 1949, were 150,000; most of these were Mexicans. The vast majority of the "wet-backs" were apprehended after they had found employment. No one knows the number of illegal entrants who have not been apprehended.[68]

Many employers are ready and willing to employ "wet-backs". United States farmers in the vicinity of the Mexican border appear to have hired and fired Mexicans without regard to the legality of their immigration status ever since the first settlers started farming and ranching in that vicinity. Instances have also been cited where ranchers were openly hostile to officers of the Immigration and Naturalization Service attempting to enforce our immigration laws. Since Mexican officials have never permitted their nationals to be contracted by employers in Texas, Texas farmers often hire "wet-backs" regardless of the fact that they are illegal entrants. It is the policy of the Mexican Government to disapprove the contracting of

[64] Annual Report of Immigration and Naturalization Service, 1946, pp. 15-18.
[65] Annual Report of the Immigration and Naturalization Service, 1947, pp. 14-15.
[66] Annual Report of Immigration and Naturalization Service, 1948, p. 16.
[67] Annual Report of the Immigration and Naturalization Service, 1948, p. 25.
[68] Monthly Review, October 1947, p. 41; hearings before the subcommittee of the Committee on Appropriations, House of Representatives, 81st Cong., Department of Justice Appropriations Bill for 1950, 1949, p. 214.

any of its nationals for periods of less than 2 months, and in some instances, farmers have had to pay 2 months' wages for 1 month's work; this tempts the farmers to hire "wet-backs."[69]

"Wet-backs" have also been used as strikebreakers. During the period of a strike on a farm near Bakersfield, Calif., several hundred Mexican strikebreakers were brought into the farm under cover of darkness. Union officials, who represented some 1,000 strikers, requested Immigration and Naturalization officers to investigate, and several sporadic raids resulted in the apprehension of 100 "wet-backs"; 46 were apprehended at one time and in one place.

Officials of the Immigration and Naturalization Service reported that many of the contracts drawn up under the agreements with the countries from which agricultural laborers are temporarily admitted are terminated or broken prior to the agreed time, apparently due to inferior housing and difficult working conditions. Laborers who were previously under contract appeared on the same farms, however, as "wet-backs" within a short time after repatriation.

Some aliens break their contracts by failing to continue in agricultural labor. Officials of the Immigration and Naturalization Service claimed that approximately 10 percent of the imported alien agricultural laborers skip their contracts and abscond.

(2) *Control problems*

(a) *Delayed recruitment*

Delays in the recruiting and contracting of admissible alien agricultural laborers have created several problems, particularly in the case of the contracting of Mexican nationals. Because of these delays, many farmers have hired "wet-backs" to be sure that an adequate supply of labor would be on hand to harvest their crops. Farmers complain that Mexican officials have haggled over insignificant points and delayed completion of contracts right up to the harvest season.

(b) *Broken contracts*

Aliens who break their contracts and abscond are difficult to trace and locate. It takes many months of investigation before they can be apprehended or found to have departed for Mexico. Sorely needed personnel of the Immigration and Naturalization Service may have to be detailed from other work to perform the investigation. According to reports by Immigration and Naturalization officials, the absconders constitute some 10 percent of those lawfully admitted under contract.

(c) *False certification*

Immigration officials claimed that county agents were falsely certifying to the nonavailability of local labor. The United States Employment Service has delegated authority to certify to the individual State organizations, and, at the present time, county agents make the required local certification. County agents are appointees of the State but their salaries are supplemented by the Department of Agriculture. Immigration officials stated that some county agents are pawns of the local farmers who seek to import aliens to lower the wage scale of local labor. An instance was cited in which a certification of need for over 30,000 alien laborers was made, almost immediately after the State employment service had informed the central

[69] Annual Report of the Immigration and Naturalization Service, 1947, p. 7.

office of the United States employment service that no labor was required.

(d) Illegal agricultural laborers

One of the contributing factors to the tremendous influx of "wetbacks" was the wartime program of temporarily admitting Mexican nationals for agricultural employment. Mexicans who were thus admitted have returned to Mexico and told their friends and relatives about the availability of jobs in the United States at good wages.[70] Word has spread throughout all Mexico and many Mexicans from the interior of Mexico have flocked to our borders seeking admission, legally or otherwise.

e. Conclusions and recommendations

The subcommittee recognizes that the agricultural labor supply in the United States, particularly in the Southwestern States, requires supplementation. Officials of the United States Employment Service and the Immigration and Naturalization Service have indicated that the wartime shortage has continued in the postwar years, and it appears that domestic labor plus the imported alien agricultural labor have not been adequate to meet the demand for agricultural labor. On the other hand, there are labor organizations within the United States which claim that domestic labor supplies are adequate to fill all our labor-supply needs, and that better control over the movement of domestic agricultural migrants would eliminate the necessity to import alien agricultural laborers.

It is the opinion of the subcommittee that provisions should be made in permanent legislation which would permit the admission of temporary agricultural labor in a nonimmigrant classification when like labor cannot be found in this country. The determination of the necessity for the importation of such labor in any particular instance should be made by the Commissioner of Immigration and Naturalization upon application by the interested employer before the importation and after a full investigation of the facts and consultation with appropriate agencies.

10. FIANCÉE ACT

The so-called Fiancée Act, approved June 29, 1946,[71] provided for admission into this country of alien fiancés or fiancées of citizens, who served honorably in the armed forces during World War II,[72] for a period of 3 months as a nonimmigrant temporary visitor, unless extended by the Attorney General. The alien must not have been subject to exclusion under the immigration laws (which by interpretation of the Immigration and Naturalization Service [73] meant that the alien must comply with entry laws relating to temporary visitors and nonquota immigrants) and must have been coming to this country "with a bona fide intention of being married to a citizen of the United States who is serving in or who has been honorably discharged from the armed forces of the United States during World War II" (September 1, 1939–December 31, 1946). The act also required an administrative finding that the contracting parties were able and intended

[70] Interpreter Releases, July 22, 1949, p. 1
[71] Public Law 471, 79th Cong., 60 Stat. 339.
[72] By definition and proclamation, includes the period between September 1, 1939, and December 31, 1946.
[73] 8 CFR 127.3.

to contract a valid marriage within the period for which the alien was admitted. Public Law 471 did not authorize racially ineligibles to enter the United States for the purpose of marrying a member or former member of the armed forces.

In enacting this law, the Congress took cognizance of the fact that many citizen members of the armed forces, due to circumstances over which they had no control, were unable to marry their alien fiancés or fiancées, because they were transferred before obtaining permission to marry from their commanding officer, as was required by military regulation. In many cases, the quota of the alien's country was small or oversubscribed, as in the cases of Australia and New Zealand, and without the Fiancée Act in many instances it would have been years before the alien's name would be reached on the waiting list.

As originally approved, this act provided that the final date of admission was July 1, 1947. The act of June 28, 1947, extended the final date of admission to December 31, 1947, and the act of March 24, 1948, further extended the date to December 31, 1948. The latter also repealed clause (b) of the proviso of section 1 of the original act, which provided that the alien fiancé or fiancée could be admitted under the act only if "the nonpreference portion of the quota to which the alien would be chargeable is exhausted at the time the alien applies for a visa."

When the provisions of the Fiancée Act expired on December 31, 1948, hundreds of cases were pending in the consular offices abroad. The Congress, through a joint resolution of April 21, 1949, authorized the processing of all cases pending on December 31, 1948. This extension was subject to the conditions that the American citizen in each case must have personally met his or her fiancé or fiancée and that the processing must have been completed by April 1, 1949. Such aliens who were found to be admissible and who arrived in this country by or on September 21, 1949, were admitted under the provisions of the Fiancée Act.

Under the Fiancée Act and Public Law 51 of the Eighty-first Congress, 3,349 persons entered the United States in 1947, 2,067 in 1948, and 2,896 in 1949. Final figures are not yet available for entries under Public Law 51 since June 30, 1949.

The principal reason for enacting the Fiancée Act, that the citizen serviceman was often transferred before he could get permission from his commanding officer to marry, represents the exception rather than the rule under present conditions. The act has now expired, and having served its purpose, it is unnecessary to entertain any consideration of including such aliens in the nonimmigrant class.

11. ADDITIONAL CLASSES OF NONIMMIGRANTS

From the preceding discussion, it has been seen that the present classes of nonimmigrants, subject to the modifications set forth, are being carried forward in the proposed legislation, with the exception of the class of nonimmigrants under section 3 (4) which includes those aliens who later go in transit from one part of the United States to another part of the United States through foreign contiguous territory. It is no longer considered necessary to consider the latter class of aliens under a special classification as nonimmigrants. In addition to the categories retained; several new classes of aliens seeking to

enter the United States for temporary periods are accorded a nonimmigrant status.

The subcommittee has recommended that students be classified as nonimmigrants, and the proposed act includes a nonimmigrant classification for an alien having a fixed domicile in a foreign country which he has no intention of abandoning, who is a bona fide student qualified to pursue a full course of study who seeks to enter the United States solely for the purpose of pursuing such a course of study at an established institution of learning or other recognized place of study in the United States.

A new category of nonimmigrants is created to provide for the temporary admission of aliens, having a fixed foreign domicile, seeking to enter the United States for the purpose of furnishing services of an exceptional nature, or to perform other services or labor if like unemployed labor cannot be found in this country. The Commissioner will make the determination of the necessity for importing such labor in each instance upon petition of the importing employer, prior to the importation, and after a full investigation of the facts. It is believed that this category will provide adequate authority for the admission of such aliens as temporary agricultural workers, trainees, and all other aliens whose temporary services in this country are needed or held otherwise desirable in the national interest. For instance, it is often desirable that certain alien research fellows be admitted for temporary periods to carry on valuable research at institutions in this country. Such aliens cannot qualify as bona fide students, but they might be eligible for admission within the bounds of the discretionary authority granted the Commissioner under this new category.

E. Recommendations

The subcommittee in its consideration of the admissible classes of aliens under the immigration laws has made many specific recommendations concerning the status of the many aliens seeking to enter the United States. In general, an effort has been made to improve the methods for determining the status available to the aliens who present themselves for admission and to catalog those aliens within more specific classifications of admissible classes. The subcommittee has also attempted to remove certain inconsistencies in the law with respect to the admissible classes of aliens and to revise the provisions of the law where necessary, in such manner as to afford more effective controls over aliens eligible for admission. The following summary sets forth generally the manner in which the admissible classes of aliens will be constituted under the proposed legislation:

1. QUOTA CLASSES OF IMMIGRANTS

The subcommittee has recommended changes in existing law both with respect to the manner in which quotas are established for intending immigrants and the determination of preferences within the quotas. The proposed legislation makes immigration quotas available to certain Asian and Pacific peoples, who are not presently eligible, in accordance with the national origins system of the Immigration Act of 1924, which is retained as the basic formula for determining quotas. The availability of quotas to such people is, however, subject to

specific provision that persons indigenous to an Asia-Pacific triangle shall be charged to the quota for the quota area to which they are by ancestry indigenous regardless of their place of birth, but persons born and resident in areas within the Asia-Pacific triangle are provided a priority of up to 75 percent of the quotas for such quota areas. In addition, the mechanics of computing quotas is simplified by providing that the annual quota for any quota area shall be one-sixth of 1 percent of the number of inhabitants in the continental United States in 1920 attributable by national origin to that quota area. In the case of colonies, the annual number of immigrants which may be charged to the quota of the mother country is restricted to 100.

In considering the preferential treatment of prospective immigrants within the quotas for each quota area, the subcommittee holds that the availability of quota numbers should be considered primarily from the standpoint of the best interests of the United States, and the subcommittee recommends that a much greater degree of selectivity be injected into the provisions of the law relating to the establishment of quota preferences. A new preference class of quota immigrants is created: Qualified quota immigrants whose services are determined by the Commissioner to be needed urgently in the United States because of the education, training, experience, or ability and to be beneficial prospectively to the national interests of the United States are assigned 30 percent of each quota in each fiscal year. Of the remaining portion of each quota, 50 percent is to be made available to parents of American citizens, and 20 percent to spouses and children of alien residents lawfully admitted for permanent residence. Any portion of the quota for each quota area, but not exceeding 10 percent of such quota, not required for the issuance of visas to the preference classes will be available to other qualified quota immigrants. Of that possible 10 percent of each quota available to nonpreference quota immigrants, not to exceed 50 percent thereof—5 percent of the quota of any quota area—will be available for the issuance of immigration visas to brothers and sisters of American citizens.

This system of preferences within the quota for each quota area would, in effect, make our quota immigration approximately 95 percent selective: 30 percent would be selected on the basis of the needs of this country and 70 percent on the basis of relationship to American citizens or aliens lawfully admitted for permanent residence under the established policy that the admission of relatives is desirable. Since the availability of the unused portion of any quota to the nonpreference quota immigrants would be limited to 10 percent of the quota of the quota area and a preference of one-half of that would be granted to brothers and sisters of American citizens, only 5 percent of the quota of each quota area would remain available on a nonselective basis.

2. NONQUOTA CLASSES OF IMMIGRANTS

The subcommittee recommends restriction of the nonquota classes to situations where a charge to a quota would result in an extreme hardship or would not be prudent under our foreign policy. In such cases it is believed that the admission of the immigrants free of the quota limitations will not be detrimental to the best interests of the country. Under the proposed legislation, the nonquota classes will include:

1. An immigrant who is the child or the spouse of an American citizen, without restriction because of sex or race.

2. An immigrant previously lawfully admitted to the United States for permanent residence returning from a temporary visit abroad. This represents no change in the existing class.

3. An immigrant born in a Western Hemisphere country, and the spouse and child if accompanying or following to join him. The child in this case must be under 21 years of age rather than 18 years as at present.

4. Persons who served in the armed services of other countries, certain children and women, all of whom were citizens of the United States and are eligible for repatriation.

The former classification of bona fide students under the nonquota status is discontinued since they are more appropriately treated as nonimmigrants. The classification of professors and ministers under a nonquota status has also been eliminated. This is consistent with the subcommittee's recommendation to grant a 30-percent preference under each quota for persons whose services are needed in this country.

3. NONIMMIGRANT CLASSES

While the present classes of nonimmigrants would be retained, with the exception of aliens lawfully admitted into the United States who travel from one part of the United States through contiguous foreign territory, the subcommittee has made recommendations with respect to each class of nonimmigrants which it believes will permit more effective control of aliens permitted to enter for temporary periods. Under the proposed legislation, the nonimmigrant classes of admissible aliens will include (1) officials of foreign governments, (2) visitors for business or pleasure, (3) transits, (4) alien crewmen of vessels entering the ports of the United States, (5) treaty traders, and (6) officials of and representatives to international organizations. All of these groups are presently so classified. In addition, bona fide students and aliens seeking to enter temporarily to furnish services of an exceptional nature or to furnish services or labor if unemployed persons capable of performing such services or labor cannot be found in this country. Of particular significance is the extension of the nonimmigrant classification to temporary workers who seek to furnish services involving exceptional skill or to furnish noncompetitive services or labor. The admission of aliens as temporary workers has created many problems and it is believed that by creating a specific nonimmigrant classification conditioned upon the approval of such importation by the Commissioner, upon application of any interested person, many of the problems will be prevented or more effectively minimized.

CHAPTER VI

ADJUSTMENT OF STATUS

A. Introduction

Aliens may be eligible for adjustment of their status in the United States whether they entered for permanent residence or temporarily under section 3 of the act of 1924. Adjustment of status may be made for (1) aliens who are in the United States unlawfully but who may take advantage of certain privileges offered them, (2) aliens who have an unlawful presence but who are not deportable, and (3) aliens who wish to amend their unlawful entry. Aliens who are in this country legally but on a temporary basis under section 3 of the act of 1924 may, under administrative authority, have their status changed to another temporary classification, as, from visitor to student or vice versa, but may not change from a temporary status to the status of an immigrant for permanent residence.

Legality of status is a matter of degree. Most aliens in this country are here lawfully for all purposes. A few are eligible for reentry documents, but do not have status sufficient for naturalization purposes; a large number are eligible neither for naturalization nor reentry documents, but still are not deportable; and many are subject to deportation, yet eligible to have that status changed without deportation.

Status may be adjusted by administrative procedure, treaty, registry, suspension of deportation, voluntary departure, or preexamination, change of status, or an act of Congress.

B. Administrative Procedure

1. CASES ARISING PRIOR TO JULY 1, 1924

In general, records of varying degrees of thoroughness have been kept of aliens coming to the United States since 1819. The act of June 29, 1906, required that a record be made of the entry of all aliens who entered for permanent residence. Procedures for keeping records of entries of aliens for permanent residence on the Canadian border were established on October 1, 1906, and of entries of aliens for permanent residence on the Mexican border on July 1, 1908.

Hence, there was a period from June 29, 1906, to October 1, 1906, when an alien might have lawfully entered for permanent residence across the Canadian border but in whose case no record would exist. A similar condition existed in regard to an alien who might have lawfully entered for permanent residence across the Mexican border from June 29, 1906, to July 1, 1908, and in both instances, if the alien wished to apply for a resident alien's border-crossing card or for naturalization, the lack of records would be an impediment.

An administrative adjustment has been made in part for such an alien. He may be issued reentry documents if (*a*) he was a citizen of

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Canada or Newfoundland who entered across the Canadian border during the period from June 29, 1906, to October 1, 1906, or (*b*) he was a citizen of Mexico who entered across the Mexican border between the period from June 29, 1906, to July 1, 1908. The alien still may not be issued a certificate of arrival, required for naturalization, since such certificate is based upon an actual record of entry. By using his reentry document, he may, however, make a new entry as a returning resident and have that entry recorded for certificate of arrival purposes. A similar adjustment procedure is available to aliens who can establish that they entered the Virgin Islands before July 1, 1938, even to aliens who are known to have entered the Virgin Islands temporarily. They are presumed, for purpose of a reentry permit to have been lawfully admitted for permanent residence.[1]

The first quota law became effective on June 3, 1921, and because of its sharp distinction between immigrants and nonimmigrants, the permanency of an alien's status became important. Many aliens had come here temporarily prior to the effective date of the law but had remained. An administrative remedy was prescribed whereby certain of such aliens were granted an adjustment of status to permanent residence if certain conditions existed. Adjustment of status in this manner is a lawful admission for all purposes, including naturalization.

Aliens who entered temporarily between June 3, 1921, and July 1, 1924, were adjusted to permanent resident status if they met certain conditions including that at the time of admission or subsequently, they were charged to the proper quotas of their respective countries and remained so charged. This adjustment was not extended to any of the following classes: (*a*) Aliens landed for hospital treatment, (*b*) excluded aliens paroled into the United States, and (*c*) seamen admitted into the United States in pursuance of their calling.

The status of aliens who entered across the Mexican border between May 1, 1917, and July 1, 1924, is subject to adjustment by an administrative remedy known as the "3-year rule of presumption," under which there is a presumption of lawful entry for permanent residence under certain circumstances.

The Commissioner of Immigration and Naturalization may permit an alien to remain in the United States who was admitted temporarily before May 26, 1924, and for whom a record of entry exists, who was (1) under the age of 16 years at the time of entry, (2) within the United States on May 26, 1924, and (3) the child of a United States citizen father or mother. The Commissioner may also create for that alien a record to show lawful admission for permanent residence.[2]

2. SEVENTH PROVISO

Under the seventh proviso to section 3 of the Immigration Act of February 5, 1917, aliens returning after a temporary absence to an unrelinquished United States domicile of seven consecutive years may be admitted in the discretion of the Attorney General and under such conditions as he may prescribe.[3]

[1] 8 CFR 110.38.
[2] Sec. 14, act of May 26, 1924, 43 Stat. 153.
[3] For further discussion of the 7th proviso, see ch. IV of pt. I.

3. LAWFUL PERMANENT RESIDENT

It sometimes has occurred that an alien who was entitled to reenter this country as a lawful permanent resident was admitted under some status other than the status of a permanent resident. When the true facts become known, the Commissioner may direct that the alien's record be corrected to show an entry for permanent residence, provided two conditions are met: (1) The Department of State waives documentary requirements if such waiver is necessary and (2) the head tax, if assessable, is paid.

4. ALIEN WHO ENTERED AS A CITIZEN

The Commissioner may correct the record of entry for an alien who was erroneously admitted as a citizen. Such an alien is unlawfully in this country, since, as a supposed citizen, he was not inspected on admission, as inspection only occurs after alienage is established. As a prerequisite to the correction of the record of entry, a waiver of documents must be procured if such waiver is necessary and the head tax must be paid if assessable. To be eligible for this correction of the record of entry, the alien must show that (*a*) his entry was not effected by means of false representations or other fraudulent conduct on his part and (*b*) he was entitled to admission for permanent residence under the immigration laws applicable at the time of his entry.

5. NO EXISTING RECORD

The Commissioner may create a record of entry for an alien in whose case no record of entry exists, but who can establish satisfactorily that he entered lawfully and was inspected. The alien must pay the head tax if such is due.

6. FAILURE TO SURRENDER DOCUMENTS

If an alien held proper immigration documents at the time of his admission for permanent residence but failed for good cause and without fraudulent intent to surrender them, the Commissioner may direct that a record of entry for permanent residence be made. The alien is examined at the place where he is found or resides by an immigration officer, who prepares a memorandum regarding the case for the officer in charge.

The memorandum, together with the immigration documents, is forwarded to the central office. If admission is directed, the immigration visa or reentry permit is sent to the district director of the district where the examination took place, who then sends the record to the district of entry. The "record" includes duplicate copies of all proceedings, the visa or reentry permit, and a postal money order in payment of head tax if due.[4]

7. WAIVER OF DOCUMENTS

Section 13 (a) of the Immigration Act of 1924 requires documents of all immigrants entering the United States, but section 13 (b) of

[4] 8 CFR 110.53.

the act authorizes a waiver of such requirements for immigrants who had been legally admitted into the United States and who had departed therefrom temporarily. Regulations issued under this section permitted lawful resident aliens who returned from a temporary visit to foreign contiguous territory to reenter without documents, but this privilege was removed by the act of June 28, 1940, and such aliens were required to have valid immigration documents. So many such aliens returned without documents, however, that the Department of State provided a general waiver of documentary requirements for reentry in behalf of aliens who entered the United States illegally from foreign contiguous territory between July 1, 1940, and December 31, 1942, and in whose cases there is a record of previous lawful admission for permanent residence. This waiver did not apply in any case where the alien deliberately evaded the exit permit requirements when departing from the United States to foreign contiguous territory or in any case where the element of fraud existed in connection with departure or reentry or where reentry, in the opinion of the Immigration and Naturalization Service, would endanger the public safety. The waiver does not cover quota visa requirements in any case. If the alien's illegal status is based solely on an entry without documents, and if there is no doubt the waiver would be applied, the field office may close the case without referral to the central office, but in a case where the alien does not seem to be covered by the general waiver, the case is referred to the central office for consideration.

There is a waiver of documents provided for certain resident aliens who return or returned from Canada after December 31, 1942. The waiver may be granted by a field office nunc pro tunc and need not be referred to the central office.

C. Adjustment by Treaty

A treaty of June 5, 1907, between the United States and Mexico provided for adjustment of the ownership of plots of land, known as bancos, which were cut off by shifts in the Rio Grande. An alien living or working on a banco when it becomes a part of the United States as specified in the treaty, becomes a lawful resident of the United States regardless of his previous status.

D. Registry Proceedings

A registry of an alien for whom no record of admission for permanent residence exists was first provided by the act of March 2, 1929, and has since been incorporated into the Nationality Act.[6] A record of registry is not created automatically. The alien must make a formal application, pay a fee, and prove eligibility for registry. The substantive requirements for registry are: (1) The alien is not ineligible to citizenship; (2) his entry occurred prior to July 1, 1924; (3) he has resided continuously in the United States; (4) there is no record of his admission for permanent residence; (5) he is a person of good moral character; and (6) he is not subject to deportation.

[6] Sec. 328 (b) of the Nationality Act of 1940, 54 Stat. 1137.

1. APPLICATION

Application for registry is made on a form supplied by the Immigration and Naturalization Service.[7] This application is submitted to the nearest field office and should contain all pertinent data to prove the necessary requirements. The application and pertinent service records are examined then to determine whether (1) the application contains sufficient data to show that the applicant has the qualifications required; (2) the documentary evidence appears reasonably adequate; and (3) it has been ascertained conclusively that no valid record exists of the applicant's lawful admission for permanent residence. If the application is approved, it is accepted and the alien is advised that he will be notified when to appear for examination.[8]

The entry upon which an application for registry must be based is the entry by which the applicant first entered the United States, provided he has since maintained a continuous residence therein, or in case continuity of residence has been broken by any absence, the application is considered as based on the applicant's last entry since which he has maintained a continuous residence in the United States.[9]

2. PROCEDURE

At the examination, the examining officer orally reviews the application with the applicant and takes testimony from witnesses. Upon completion of the examination the examining officer prepares a report of his findings and recommendation. If denial is recommended, a statement is made of the supporting grounds and reasons therefor. When approval is recommended, if it is based on documentary evidence, that fact must be so stated. The record, supporting documents and findings and recommendations are all forwarded to the district director for review. If such review leads to a conclusion different from the findings or recommendations of the examining officer, a statement thereof is made and the entire file is then transmitted to the central office.[10]

If the Commissioner is satisfied from the record and accompanying documents that the applicant is entitled to registry, an order to that effect is entered. The original of the order is retained in the central office and the duplicate forwarded to the officer in charge where the entry of the alien occurred. This officer consummates the registry by making the order part of the records of the port. If the Commissioner is not satisfied that the applicant is entitled to registry, the district director is notified of this fact. If the application is denied on the ground the applicant is subject to deportation, the central office may take such further action as is deemed advisable.[11]

E. Suspension of Deportation

1. HISTORY AND BACKGROUND

During 1934, there were a large number of cases coming to the attention of the Immigration and Naturalization Service which in-

[7] Form N105.
[8] 8 CFR 362.2, 362.4.
[9] 8 CFR 362.5.
[10] 8 CFR 362.10.
[11] 8 CFR 362.11.

volved aliens who were in the United States in an illegal status. These aliens had established family ties here by acquiring a spouse or children, or both. Immigration and Naturalization Service officials stated that the law was too stringent, and that it was an extreme hardship to compel aliens to return abroad merely for the purpose of obtaining an immigration visa, particularly when in many cases the only ground for deportation was a technical charge under the act of 1924.

To provide a remedy, the Immigration and Naturalization Service proposed legislation similar to section 19 (c) of the act of 1917, as amended, which is the present law, in the Seventy-third and Seventy-fourth Congresses. The principles involved in the proposed legislation did not become law until 1940 when the Alien Registration Act was passed which, among other things, amended section 19 of the act of 1917 by providing for voluntary departure and suspension of deportation in certain cases. In 1948, the law was amended[12] by adding two classes of eligibles for suspension of deportation: Aliens who have seven or more years' residence in the United States and were in the United States on July 1, 1948, and certain aliens theretofore ineligible by reason of race. This amendment also provided for affirmative congressional approval in cases of suspension of deportation. Previously, if the Congress did not take unfavorable action upon the cases referred to it, suspension of deportation was final. Under this amendment, the procedure was changed so that in order to make suspension of deportation final, the Congress must, by a concurrent resolution, approve the case of each alien for whom suspension of deportation has been granted by the Attorney General.

2. ELIGIBILITY

Deportation of any alien may be suspended if he is deportable on grounds other than that he is a member of one of the following classes: Criminal, immoral, subversive, mentally or physically deficient, or smuggler. The alien must prove that he has been of good moral character for at least 5 years preceding his application, and that deportation would result in serious economic detriment to a citizen or legally resident alien who is a spouse, parent, or minor child, or that he was in the United States on July 1, 1948, and has resided here for 7 years or more.

a. Good moral character

A person of good moral character is one who measures up as good among people of the community in which he lives, that is, up to the standard of the average citizen. It means that he has a reputation which will pass muster with the average man. It need not rise above the level of the common mass of people.[13] In determining the issue of an alien's good moral character during the statutory period, the alien's conduct is considered in its entirety. Good moral character for the purposes of suspension of deportation is not synonymous with moral excellence. It is not destroyed by a single lapse. Rather it is a concept of a person's natural worth derived from the sum total of all his actions in the community. Thus, when an alien is convicted and

[12] 62 Stat. 1206.
[13] In re Hopp, 179 F. 561 (1910).

sentenced to 60 days' imprisonment for conspiracy to violate a public welfare law of the State of New York by means of willful acts, such offense is insufficient to deprive the alien of consideration of his application for suspension of deportation when good moral character otherwise was established.[14] Although an alien has a bad criminal record prior to the preceding 5-year period, if good moral character is established for 5 years immediately preceding his application, the alien is eligible for suspension.[15] The service is bound by the court record as to whether an alien is subject to deportation because of the conviction of a crime and may not go behind it and review the evidence and render an individual judgment of the guilt or innocence of the alien involved. The Attorney General, in considering whether discretionary action should be taken, may, however, inquire into the circumstances surrounding the commission and conviction of the crime, even if such inquiry leads to the conclusion that in fact the alien was innocent of wrongdoing.[16]

b. Serious economic detriment

The Board of Immigration Appeals has rendered a substantial number of decisions interpreting the term "serious economic detriment." Serious economic detriment exists if the effect of deportation of the applicant would be substantially to lower the standard of living of the dependent relative.[17] When an alien has property worth $300 and takes care of her home and looks after the needs of her two American-born minor children, deportation would work serious economic detriment to the children, although the family receives $62.50 of public funds monthly for its maintenance.[18] When an alien minor child is dependent on her United States citizen mother whose income is $30 per month, deportation of the child would result in serious economic detriment to the mother, for the mother then would be required to maintain two households from her income.[19]

If the alien's United States citizen wife earns an average of more than $3,000 per year and the alien earns $33 per week; if she is partially dependent on the alien for support and deportation of the alien would break up their home, deportation of such alien would not work a serious economic detriment on the wife.[20]

The fact that an alien does not earn sufficient income to support his relatives, who must rely on public funds for the remainder of their maintenance, is not sufficient to deny favorable consideration of his application for suspension of deportation, as to deport him would cause the loss of whatever income he does earn and increase the burden upon relief authorities.[21]

An alien woman who lives with and is completely occupied in the upbringing of her five minor native-born citizen children, the family being supported by public relief funds in the absence of her husband, is performing services of economic value and her deportation would result in a serious economic detriment to her minor children.[22]

[14] Board of Immigration Appeals, file 56043/138, Apr. 28, 1944.
[15] Ibid., file 56095/905, Apr. 10, 1943.
[16] Ibid., file 56122/700, June 17, 1944.
[17] Ibid., file 56111/780, July 21, 1944.
[18] Ibid., file 56050/380, May 15, 1943.
[19] Ibid., file 55834/444, March 13, 1943.
[20] Ibid., file 56064/13, January 4, 1943.
[21] Ibid., file 56093/577, March 30, 1943.
[22] Ibid., file 55930/335, March 31, 1943.

3. PROCEDURE

a. Application

Any alien for whom a warrant of arrest has been issued may file an application for suspension of deportation, on a form supplied by the Service,[23] any time prior to the conclusion of the expulsion hearing. An alien who believes himself to be subject to deportation, and against whom deportation proceedings have not been instituted by the issuance of a warrant of arrest, may voluntarily submit himself to the jurisdiction of the Immigration and Naturalization Service and make application for suspension of deportation. The application is executed in triplicate and is made a part of the record of the expulsion hearing.

After a warrant of arrest has been issued and the application has been accepted, the alien is advised (1) to obtain promptly and furnish the officer in charge official certifications to establish the alien's relationship to those he claims would suffer economic detriment by his deportation, and if such persons are citizens of the United States, evidence of their citizenship, and (2) to submit affidavits of two witnesses, preferably citizens, who can vouch for the alien's good moral character for the preceding 5 years. The officer in charge then obtains verification of such entries of the alien and other persons as are pertinent to the case and causes an investigation to be conducted for the purpose of obtaining facts that will bear upon the alien's claim to eligibility for suspension of deportation. The investigating officer makes a written report of his investigation to be included in the record.[24]

b. Investigation

The required investigation by an officer of the Immigration and Naturalization Service must be conducted for the purpose of ascertaining whether the alien is eligible for suspension of deportation and whether his case merits favorable discretionary action. The investigating officer must obtain, from persons having knowledge thereof, information concerning the alien's employment and earnings, his social activities, his home life, whether he has a record with the police in his place of residence in the preceding 5 years, whether he has been a recipient of public or private charity in the preceding 5 years, whether he appears loyal to the United States, and other pertinent facts that the course of the investigation may suggest. The officer is not required to take statements concerning such facts in writing or under oath. The written reports of the investigation must show the information obtained, the names and addresses of all persons interviewed, and the dates of the interviews.

c. Hearing

The alien may be represented by counsel at the warrant hearing. The alien is advised by the presiding inspector that the purpose of the hearing is to establish the facts as to the alien's deportability and eligibility for suspension of deportation.

(1) Evidence

The presiding inspector places in the record as exhibits, identified by number, a copy of the formal warrant of arrest, the application for suspension of deportation, the certification of the alien's relationship

[23] Form I-55.
[24] 8 CFR 150.10 (d).

to those who would suffer an economic detriment if the alien were deported, affidavits submitted by the alien, the written report of the investigation, and the record of the alien's entries and the record of entries of such other persons as are material to the case. If the alien is married, the spouse must be questioned for the purpose of determining whether the alien is eligible for suspension of deportation. The presiding inspector may question the alien, and in his discretion, require presentation of other witnesses for examination as to the deportability of the alien or his eligibility for suspension of deportation. The alien is afforded the opportunity to present evidence in support of his application.[25]

(2) Findings, conclusions, and recommendations

On the basis of the evidence presented, the presiding inspector prepares a memorandum of his findings, conclusions, and recommendations, a copy of which is furnished the alien or his attorney.

(3) Central office

The entire record of the hearing is sent to the adjudications division of the central office. If this division believes that the alien has complied with all of the requirements for suspension of deportation, the Commissioner may then enter an order granting suspension of deportation. The case is then reported to the Congress on the 1st or 15th day of any month in which the Congress is in session. If the alien's name is included in a concurrent resolution which is approved by both houses of the Congress during the session in which the case was referred or the session following, the alien is notified by the Immigration and Naturalization Service to report to a field office in his district and pay an $18 fee, after which the status of the alien is adjusted to that of a permanent resident.

4. STATISTICS

Under the law,[26] the Attorney General must report to the Congress each case in which deportation has been suspended for a period of more than 6 months. Since the passage of the law in 1940, over 23,000 cases have been referred to the Congress as shown by the following table:[27]

Number of cases submitted to the Congress under sec. 19 (c) of the Immigration Act of 1917 (suspension of deportation cases), years ended June 30, 1941, to 1948

Years ended June 30—	*Number of names*
1948	3,160
1947	5,806
1946	2,414
1945	3,969
1944	2,707
1943	4,677
1942	751
1941	120
Total	23,604

[25] 8 CFR 150.10 (f).
[26] Sec. 19 (c), act of February 5, 1917, 39 Stat. 874, as amended.
[27] During the 1st sess. of the 81st Cong., 2,926 cases were referred to the Congress.

If the suspension of deportation is approved by the Congress, the Secretary of State is required to reduce by one the appropriate immigration quota, if the alien was a quota immigrant at the time of entry and was not charged to a quota, for the fiscal year then current or the next following year in which a quota number is available.[28] The quota cannot be reduced by more than 50 percent in any fiscal year for suspension of deportation cases.[29]

5. CRITICISM OF SUSPENSION OF DEPORTATION

Suspension of deportation is a discretionary action. Technical compliance by the alien with the formal eligibility requirements does not necessitate a conclusion that he will be granted suspension of deportation. Where, by reason of specific unfavorable factors in the case the alien, in the opinion of the Commissioner, does not establish that he is entitled to the discretionary relief described in the law, the Commissioner frequently exercises his authority in denying the relief.

An Immigration and Naturalization Service officer stated that there are generally two types of aliens who apply for suspension of deportation. The first type has lived in this country for years, has a wife and perhaps several children. The second type is one who has been in this country for a short period of time. The officer stated it is the general opinion that if an alien can get into the United States and marry a citizen or a legally resident alien he can remain.

An immigration officer stated that the theory behind the law is that those who have resided in the United States for long periods of time have acquired American ideas and have adjusted their habits to our way of life, are more of an asset than the alien abroad who is anxiously waiting to come to the United States. He pointed out that the law places the alien who entered illegally in a more advantageous position than one who patiently waits for his turn on the quota list which may never be reached.

During the hearings on the bill authorizing suspension of deportation,[30] statements were made that the relief requested was needed for aliens of long residence and family ties in the United States. Many aliens who were deportable had spouses and children who were citizens of the United States. To deport these aliens would result in a serious economic detriment to the family. It does not appear that the law was prompted by any necessity to give relief to aliens who were nationals of territory adjacent to the United States. The law was enacted principally for the benefit of Europeans.

Officers of the Immigration and Naturalization Service stated that alien parents with many alien children have entered the United States illegally from territory contiguous to the United States, and shortly thereafter, another child is born to the parents. Applications have been made for suspension of deportation by the parents on the ground that a serious economic detriment would result to the citizen child if the parents are deported. Suspension of deportation has been granted in many such cases.

The cases of the alien children are held in abeyance pending the final determination of the parents' application for suspension of

[28] Sec. 19 (c), act of February 5, 1917, as amended.
[29] The number of suspension of deportation cases for which a quota number was deducted, by country of nationality, from 1942 to 1949, is given in appendix XIII, table 1, p. 906.
[30] Sec. 19 (c), act of February 5, 1917.

deportation. If the parents finally receive suspension of deportation and thus become legally resident aliens, application is then made on behalf of the minor alien children on the ground that their deportation would result in a serious economic detriment to their legally resident alien parents.

The subcommittee knows from cases reviewed that suspension of deportation has been granted to aliens who were not qualified for visas if applications had been made to a consul before the aliens entered the United States illegally. Many illiterate aliens have been entering illegally, and, by having their status adjusted pursuant to the procedure for suspension of deportation, have been avoiding the excluding provisions of the 1917 act. Aliens who were previously deported have been granted suspension of deportation after reentering the United States illegally. Such a reentry is a felony under the immigration laws.[31]

Complaints were received that an alien, after arrest on a warrant, sometimes appears at the hearing with a spouse acquired after the arrest and then requests suspension of deportation. The Board of Immigration Appeals has ruled that suspension of deportation will not be granted to recently arrived aliens who marry after deportation proceedings have been instituted.[32]

Complaints were received that the suspension of deportation provisions of the law invite illegal entry of aliens and invite aliens who entered under the nonimmigrant provisions of the law to overstay the time limit of their documents. Many aliens who enter legally as visitors marry a citizen of the United States, and by the time the aliens are apprehended for overstaying they have one or more children, who are United States citizens. The subcommittee has been told that in many cases aliens have married citizens solely for the purpose of becoming eligible for suspension of deportation. It is difficult to separate these cases from those in which the marriages were bona fide.

There are many cases of an alien husband and his alien wife, who have received travel documents as transits from Europe to Latin America via the United States, who have not left after their arrival in the United States. The subcommittee knows, from the cases reviewed, that in several such cases the aliens had a child born to them shortly after arrival in the United States. Suspension of deportation has been requested by the parents on the grounds that a serious economic detriment would result to the citizen child if they were deported.

Cases have been brought to the attention of the subcommittee in which aliens illegally in the United States have married other aliens illegally in the United States. In several such cases, before deportation proceedings were instituted, a child was born to the couple, both of whom were in illegal status. These aliens applied for suspension of deportation.

An alien who has been convicted of a crime involving moral turpitude and has been pardoned for the offense [33] may be granted suspension of deportation if he is otherwise eligible. The subcommittee has been informed that many pardons are obtained for the sole

[31] 8 U. S. C. 180.
[32] Board of Immigration Appeals, file A 6943635, December 13, 1948.
[33] Sec. 19 (a), act of February 5, 1917, 39 Stat. 874.

purpose of meeting the requirements of eligibility for suspension of deportation.

Statements were received by the subcommittee that the provisions of the law under which aliens may apply for suspension of deportation if they have 7 years' residence in the United States and were here on July 1, 1948, may cause many illegal aliens to avoid apprehension until 7 years' residence has been acquired.

Field officers of the Immigration and Naturalization Service criticized the administrative interpretation of the 7-year residence provisions of the law. These provisions have been held applicable to an alien who has a total of 7 years' residence in the United States, although the alien has been out of the United States for as long as 2 years during the last 7 years. The Board of Immigration Appeals has ruled that the 7 years' residence is not required prior to July 1, 1948.[34] The effect of this ruling is that if an alien is not apprehended for several years he may be eligible for suspension of deportation if he can then show 7 years' residence in the United States.

Field officers of the Immigration and Naturalization Service complained that an alien admitted under contract for a definite time to perform a certain class of work can become eligible for suspension of deportation after the contract expires if he is married to a citizen or a legally resident alien. A field officer of the Immigration and Naturalization Service stated that some applications are filed for discretionary relief where it is obvious that the aliens are clearly in an ineligible class as enumerated in the law,[35] that the sole purpose of the aliens in filing such applications is to delay deportation, and that this results in a loss of time and money to the Government.

Field officers of the Service have stated that aliens have been known to pay persons abroad for statements that the aliens are of good moral character and that statements are accepted if the Service cannot find that the aliens are not of good moral character. The law does not require that the spouse of an alien be of good moral character in order for the alien to be eligible for suspension of deportation on the ground that his deportation would work serious economic detriment on such spouse. Complaints were received that alien seamen have been known to marry citizen women of bad character, after which marriages the aliens applied for suspension of deportation.

Some officers of the Service expressed the opinion that the Attorney General should have the discretionary power to grant suspension of deportation in meritorious or extreme hardship cases even though the aliens involved may have committed certain crimes and would, therefore, be ineligible for suspension of deportation under the present law.

After suspension of deportation becomes final, the Attorney General does not have the power to revoke the status of the alien, even though it has been ascertained on the basis of newly discovered evidence that the alien had obtained suspension of deportation by illegal or fraudulent means. The Attorney General recommended a bill introduced in the Eighty-first Congress [36] which would give him the power to cancel, within 5 years, the status of an alien for whom suspension of deportation had been granted if on the basis of newly discovered

[34] Board of Immigration Appeals, file A-7597471, September 9, 1948.
[35] Sec. 19 (d), act of February 5, 1917.
[36] S. 488.

evidence it is found that the suspension of deportation had been obtained by illegal or fraudulent means.

The existing law makes no provision for cancellation of a certificate of naturalization issued to an alien who obtained citizenship before discovery of evidence indicating that the suspension of deportation had been obtained illegally or fraudulently. In the absence of such provision, deportation proceedings may not be instituted, because a citizen of the United States is not subject to deportation. While proceedings to cancel naturalization may be brought under the existing law,[37] there is no statutory provision authorizing cancellation of a certificate of naturalization of a person who obtained suspension of deportation by illegal or fraudulent means.

F. Preexamination

1. History and background

The situation which prompted the establishment of the preexamination procedure was the same situation which prompted enactment of legislation providing for suspension of deportation, that is, the large number of aliens in illegal status in the United States who were deportable and for whom the administrative authorities desired to afford relief by way of legalization of status. While the legislation was pending in the Congress, the preexamination plan was devised by which some aliens in the United States could have their status adjusted to that of permanent residents by going to Canada or other foreign contiguous territory and obtaining an immigration visa. An agreement was made with officials of the Canadian Government whereby certain classes of aliens would be permitted entry into Canada temporarily for the purpose of applying at an American consulate for an immigration visa to the United States.

It was agreed by the administrative authorities of the United States that any aliens embraced by the plan who should be found after entry into Canada to be ineligible to receive an immigration visa to the United States would be received back into the United States. Preexamination was instituted by regulations in 1935.[38] The Immigration and Naturalization Service claimed authority to issue such regulations under the law.[39] The suspension of deportation provisions of the law became effective in 1940, but the Immigration and Naturalization Service still did not abolish preexamination.

2. Eligibility

The classes eligible for application for preexamination are (*a*) aliens who have been residents of the United States for at least 1 year, who have a husband, a wife, a minor child, or a parent who is a citizen of the United States or who is a lawful resident alien; (*b*) aliens lacking such relationship who have been in the United States for a period of 5 years, and (*c*) aliens whose cases are found to be exceptionally meritorious.

[37] 54 Stat. 1137, 1158, 8 U. S. C. 738.
[38] 8 CFR, pt. 142.
[39] Sec. 23 of the Immigration Act of 1917, 39 Stat. 874 and sec. 24 of the Immigration Act of 1924, 43 Stat. 153.

The officials of the Immigration and Naturalization Service report that the term "exceptionally meritorious" has been construed rather strictly and applies to aliens who have made a material contribution to the welfare of the people of the United States, such as veterans and persons who served in the merchant marine during the war. The term has also been applied to the cases of children and very old persons.

Preexamination is not authorized unless it appears that the alien is (1) admissible to Canada, (2) of good moral character, (3) registered and/or fingerprinted as required by law,[40] and (4) able to obtain prompt issuance of an immigration visa in case it is determined that he is admissible to the United States for permanent residence. Aliens who are citizens of Canada, Mexico, or any of the islands adjacent to the United States are not eligible for preexamination.

3. APPLICATION

The application for preexamination must be made in triplicate on forms supplied by the Immigration and Naturalization Service [41] and thereafter submitted to the appropriate field office.[42] The application may be filed separately or in conjunction with a petition for nonquota or preference quota status.[43] The field office retains one copy and forwards the other copies to the central office.[44]

4. PROCEDURE

A designated official in the central office, after reviewing the alien's application, may refuse or authorize preexamination. If preexamination is authorized, the field office is notified. The field office notifies the alien that preexamination has been authorized and that the alien must submit to a United States consul in Canada the necessary documents in support of his visa application. The alien must recieve written assurance from the consul that such documents appear sufficient and satisfactory and that a visa will be promptly available if, upon personal examination by the consul, the alien is found eligible for a visa. [45]

The alien then presents himself for preexamination at the field office. The alien presents to the inspector in charge of his case (*a*) the notification that preexamination has been authorized, (*b*) the written assurance from the consul, and (*c*) four regulation photographs of himself.[46] The alien is then examined by authorized medical officers, who certify a report of the alien's condition to the field office.[47] The preexamination is for the purpose of determining the admissibility of the alien. If the insepctor is not satisfied of the alien's admissibility, the alien will be held for a board of special inquiry.[48]

If it is determined that the alien would be admissible into the United States if he were in possession of an unexpired immigration visa, the alien is furnished with a sealed communication to the Canadian immigration official and a border-crossing card, bearing his

[40] Alien Registration Act of 1940, 54 Stat. 670, 8 U. S. C. 451.
[41] Form I-255 and Form I-55.
[42] 8 CFR 60.30.
[43] Form I-133.
[44] 8 CFR 142.3.
[45] 8 CFR 142.7.
[46] 8 CFR 142.9.
[47] 8 CFR 142.10.
[48] 8 CFR 142.11.

photograph and description and valid for a single reentry into the United States if the alien is admitted into Canada within 4 months from the date of issuance. The communication to the Canadian immigration official states the purposes of the alien's visit and guarantees that the alien, if admitted into Canada while in possession of an unexpired border-crossing card, will be readmitted into the United States. The communication has a photograph of the alien securely attached.[49]

The alien, after notification to appear at the consular office in Canada at a certain time, departs for the consular office with his documents. The consular officer examines the alien in the same manner that he would examine any alien who is applying for a visa. If the alien qualifies, an immigration visa is issued to him.

The alien then returns to the United States port of entry and is inspected in the same manner as any other immigrant. The alien surrenders the border-crossing card and the immigration visa to the immigration authorities. He is then admitted into the United States for permanent residence.

5. STATISTICS

Since preexamination was instituted in 1935, the central office has considered more than 45,000 cases. No figures were available for applications approved, preexamination denied, or authority revoked prior to the fiscal year 1947.[50]

6. CRITICISM OF PREEXAMINATION

An official of the Department of State stated that the preexamination procedure is of doubtful legality, because the law requires every immigrant to present an immigration visa.[51] Under the preexamination procedure, aliens who fail to receive an immigration visa in Canada are readmitted into the United States with only a preexamination card. The only aliens who are eligible for preexamination and are not eligible for suspension of deportation are those who (1) are in the United States legally under the nonimmigrant provision of the law and (2) have between 5 and 7 years' residence in the United States.

The present suspension of deportation law is much more liberal than the preexamination procedure, since aliens who are excludable under the general immigration law may be eligible for suspension of deportation. The alien who receives preexamination is given the same examination as an immigrant at the port of entry, and preexamination is not authorized unless the quota of the country of the alien's nationality is available within 1 year of the date of authorization.

A number of officers of the Immigration and Naturalization Service stated that the present law is adequate for the adjustment of status of aliens in the United States and preexamination has served its purpose. Furthermore, the increase in the number of classes who are eligible to receive suspension of deportation pursuant to recent amendments and the adjustment of status provisions of the Dis-

[49] 8 CFR 142.16.
[50] A yearly break-down of preexamination cases to June 30, 1948, appears in appendix XIII, table 2, p. 907.
[51] Sec. 13 (a) of the Immigration Act of 1924, 43 Stat. 153.

placed Persons Act of 1948 provide enough liberality in the immigration law so that there is no further need to continue the preexamination procedure.

Statements were made by officers of the Immigration and Naturalization Service that preexamination places a premium on illegal entry and aliens who probably could not convince a consul in their home country that they should receive an immigration visa are taken care of under preexamination.

The subcommittee has been informed that the preexamination procedure in conjunction with the exercise of the seventh proviso of section 3 of the act of February 5, 1917, enables aliens to be admitted for permanent residence who would be otherwise excludable. The seventh proviso provides that aliens returning after a temporary absence to an unrelinquished United States domicile of seven consecutive years may be admitted in the discretion of the Attorney General. It has been contended that the seventh proviso was designed to afford relief to aliens who had been previously lawfully admitted and were returning after a temporary absence abroad and the seventh proviso was not designed to afford relief to aliens in the United States in an illegal status.

G. Change of Status

An alien who has been admitted with the status of a nonimmigrant government official, visitor, or treaty trader or an immigrant student may desire to change his status from one classification to another. In such a case, he may address a letter to the central office explaining his reasons and requesting that the change be made or he may submit such a letter through a field office. In most cases, the alien is required to maintain the specific status in which he is admitted, but in peculiar circumstances and in meritorious cases the Attorney General, through the Commissioner, may authorize a change from one temporary status to another.[52] Change of status may only be from one temporary status to another or from permanent status to treaty trader or government official status, but there may be no change of status from a temporary classification to the permanent residence classification. For an alien admitted to the United States as a nonimmigrant to obtain a change of status to that of a treaty trader, it is necessary that present actual trade be carried on between the United States and the country of his nationality under an existing treaty and that the alien be principally engaged in carrying on such trade in substantial volume.

A change of status must be the result of administrative action and an alien cannot change to a different status without the consent of the proper immigration authorities. An alien cannot simultaneously be an immigrant and a nonimmigrant. Thus, an alien possessed of a reentry permit, who upon his return from a temporary absence abroad elects to reenter the United States as a treaty trader instead of as a returning resident, must maintain the status elected by him although he may apply for a change to his original status.[53] A change of status to that of a treaty trader may be granted an alien resident admitted to the United States as a nonquota immigrant when it appears he was a treaty trader at the time of his arrival and that he continued as such thereafter.

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[52] 8 CFR 110.31.

[53] *Sugaya* v. *Haff*, 78 F. 2d 980 (1935).

When the period of admission of an alien admitted in transit has not expired, a change of status to one of the other nonimmigrant classifications may be authorized. The expiration date of the admission period is immaterial if the change sought is to the status of a government official. In other cases, when the period of admission has expired, a change of status will generally not be granted.[54]

The creation or amendment of records of admission is a form of administrative remedy applied in certain immigration cases where, through error or inadvertance no record exists, or where the record of entry which does exist does not reflect an alien's true status at the time the record was made. The necessity for amendment or creation of records of admission may arise in several ways: For example, in connection with the obtaining of certificates of arrival in naturalization proceedings or in the course of derivative citizenship proceedings. Such administrative remedy is apart from the registry procedure set forth in section 328 (b) of the Nationality Act of 1940,[55] whereby a record of admission is created with respect to certain aliens who establish continuous residence in the United States since prior to July 1, 1924.

H. Displaced Persons

An alien embraced by section 4 of the Displaced Persons Act of 1948 [56] is one who (1) entered the United States prior to April 1, 1948, lawfully as a nonimmigrant or as a nonquota student; (2) is presently admissible under the immigration laws; (3) is displaced from the country of his birth or nationality, or of his last residence as a result of events subsequent to World War II; and (4) cannot return to any of such countries because of persecution or fear of persecution on account of race, religion, or political opinions. The alien may apply for an adjustment of his status to that of a permanent lawful resident in the United States. Only 15,000 such displaced persons living within the United States may make this adjustment under the present law. A hearing is held during which the alien is examined by an immigration officer and necessary information and substantiation obtained. The examining officer then prepares a memorandum to the commissioner, setting forth his proposed findings of fact, conclusions of law, and decision, whether or not the applicant is eligible for adjustment of status under section 4 of the Displaced Persons Act.[57]

I. Private Immigration and Naturalization Bills

No action at all was taken on 79 percent of the 2,764 private immigration and naturalization bills introduced during the Seventy-sixth to Eightieth Congresses. In the first session of the Eighty-first Congress, 1,348 of these bills were introduced but only 82 became private laws. An increasing number of private immigration bills have been introduced in each of the past few Congresses: 163 in the Seventy-eighth Congress, 423 in the Seventy-ninth Congress, 1,157 in the Eightieth Congress, and 1,348 in the first session of the Eighty-first Congress alone.

[54] 8 CFR 110.31.
[55] 8 U. S. C. 728.
[56] 62 Stat. 1009.
[57] 8 CFR 171.1.

This increase in the number of private immigration and naturalization bills results in a tremendous amount of work for the Immigration and Naturalization Service, as well as for the appropriate committees of the Congress. When a private bill is introduced, a report is requested from the Immigration and Naturalization Service which refers the case to the field office in the district in which the alien and his witnesses are located. The field office is required to give top priority to requests for investigations of private bills. Every case is also cleared through the records of the Federal Bureau of Investigation before a report is made to the congressional committee. The FBI check is made against the existing records, and the security phase of the report is supplemented by further investigation by the Immigration and Naturalization Service. The beneficiary of the bill is questioned in complete detail and persons who appear to have knowledge of the individual are likewise questioned. There have been single private bills introduced for the relief of as many as 169 aliens, and this means that individual investigations must be conducted for each alien named in the bill. The enormous amount of work involved in these investigations is indicated by the fact that approximately 6,400 persons have been affected by private immigration and naturalization bills during the Seventy-sixth to Eightieth Congresses and in the first session of the Eighty-first Congress.

The congressional committees also request reports from the State Department and from the sponsor of each bill. The information requested from the sponsor of each private bill concerning the person for whom the relief is intended includes: The circumstances surrounding the entry of the person into the United States; his present activities, how the person is presently earning a living or whether dependent on some other person for support; whether or not he is engaged in any activities, political or otherwise, injurious to the American public interest; and whether or not he has been convicted of an offense under any Federal or State laws, and if so, what offense.

Since it has long been the practice in specific immigration cases for the Attorney General to withhold administrative action upon the introduction of private immigration bills until such bills are disposed of, it has been possible for deportable aliens to remain in the country for as long as they can get private bills introduced for their benefit. According to the Immigration and Naturalization Service, there were 147 private bills pending in the Eightieth Congress for the relief of aliens for whom bills had been previously introduced. Some of these bills were first introduced as far back as the Seventy-fifth Congress, and as they received no unfavorable action, they were reintroduced in succeeding Congresses: Three had been introduced in the Seventy-fifth Congress, 12 in the Seventy-sixth Congress, 9 in the Seventy-seventh Congress, 7 in the Seventy-eighth Congress, and 116 in the Seventy-ninth Congress.

At the present time, there is an agreement between the Senate Committee on the Judiciary and the Immigration and Naturalization Service, made before the adjournment of the regular session of the Eightieth Congress (2d sess.), that deportation be stayed in the case of any alien concerning whom a private immigration bill is pending in the Senate on which bill no unfavorable action has been taken by the Senate Committee on the Judiciary by the end of the current session of the Congress. The agreement, between the House Committee on

the Judiciary and the Immigration and Naturalization Service, made February 27, 1947, is that deportation proceedings not be stayed upon the introduction of a private immigration bill in the House of Representatives unless the House Committee on the Judiciary addresses some formal communication to the Service to stay proceedings.[58]

J. Conclusions and Recommendations

1. ADMINISTRATIVE PROCEDURE

The subcommittee recognizes that errors in the admission of aliens to the United States arise. It is necessary, therefore, to allow an administrative procedure to correct the status of the aliens involved. The subcommittee believes that the provisions for adjustment of status of aliens, who entered the United States prior to July 1, 1924 (the effective date of the Immigration Act of 1924), and have remained here since then, should be retained.

The subcommittee recommends that—

1. The authority to correct the status of aliens who are entitled to reenter the United States as lawful permanent residents but who last entered in some other status be continued.
2. The authority to correct the record of entry of an alien erroneously admitted to the United States if (1) such entry was not fraudulent and (2) the alien was entitled to admission for permanent residence under the immigration laws applicable at the time of entry be continued.
3. The authority to correct the record of entry of an alien for whom no record exists, who entered lawfully and was inspected, be continued.
4. The authority to correct the record of an alien who for good cause or without fraudulent intent failed to surrender the documents required for admission to the United States be continued.
5. The provision of section 13 (b) of the act of 1924, relating to waiver of documents for immigrants who have been legally admitted to the United States and are returning after a temporary visit abroad, be retained.

2. REGISTRY PROCEEDINGS

The subcommittee recommends that the registry provisions of the law be retained.

3. SUSPENSION OF DEPORTATION

The subcommittee recommends that the present suspension of deportation provisions of the law be abolished within 5 years and that no alien who entered the United States within a period of 2 years prior to the enactment of the proposed legislation shall be eligible under the present suspension of deportation provision of the law, as modified.

The subcommittee recommends the enactment of provisions for adjustment of status where the grounds for deportation of an alien arise prior to entry, as follows:

(1) That the Commissioner be authorized in his discretion to adjust status in the case of a deportable alien (except one who is of the criminal, subversive, or immoral classes or who enters the United

[58] For detailed statistics on private immigration and naturalization bills, see appendix XIII, table 3, p. 609.

States without proper documents), when (*a*) the alien has resided in the United States continuously for at least a period of 5 years; and (*b*) the alien has maintained good moral character for that period; and (*c*) the deportation of such alien would result in extreme and unusual hardship, and (*d*) a warrant of arrest for deportation has not been issued within said period for said alien. Each such case is to be reported to the Congress, and if either House, at the session during which the case is reported or during the session following, passes a resolution stating in substance that it does not favor the adjustment of status of the alien to that of a lawful permanent resident, the alien will then be deported. If neither House takes any action on such case the adjustment of status will then become final.

(2) That the Commissioner be authorized in his discretion to adjust status in the case of a deportable alien who is of the criminal, subversive, or immoral classes or who enters the United States without proper documents, when (*a*) the alien has resided in the United States continuously for at least a period of 10 years; and (*b*) the alien has maintained good moral character for that period; and (*c*) the deportation of such alien would result in extreme and unusual hardship; and (*d*) a warrant of arrest for deportation has not been issued within said period for said alien. Each such case is to be reported to the Congress, and if the Congress, at the session during which the case is reported or during the session following, passes a resolution stating in substance that it favors the adjustment of status of the alien to that of a lawful permanent resident, the adjustment of status will be final. If the Congress takes no action on such case the alien will then be deported.

The subcommittee recommends the enactment of provisions for adjustment of status where the grounds for deportation of an alien arose after entry, as follows:

(1) That the Commissioner be authorized in his discretion to adjust status in the case of a deportable alien (except one who is of the criminal, subversive, or immoral classes or who overstays his period of admission), when (*a*) the ~~alien~~ has resided in the United States continuously for at least a period of 5 years; and (*b*) the alien has maintained good moral character for that period; and (*c*) the deportation of such alien would result in extreme and unusual hardship; and (*d*) a warrant of arrest for deportation has not been issued within said period for said alien. Each such case is to be reported to the Congress, and if either House, at the session during which the case is reported or during the session following, passes a resolution stating in substance that it does not favor the adjustment of status of the alien to that of a lawful permanent resident, the alien will then be deported. If neither House takes any action on such case the adjustment of status will then become final.

(2) That the Commissioner be authorized in his discretion to adjust status in the case of a deportable alien who is of the criminal, subversive or immoral classes or who overstays his period of admission, when (*a*) the alien has resided in the United States continuously for at least a period of 10 years; and (*b*) the alien has maintained good moral character for that period; and (*c*) the deportation of such alien would result in extreme and unusual hardship; and (*d*) a warrant of arrest for deportation has not been issued within said period for said alien. Each such case is to be reported to the Congress, and if the Congress, at the session during which the case is reported or during

the session following, passes a resolution stating in substance that it favors the adjustment of status of the alien to that of a lawful permanent resident, the adjustment of status will be final. If the Congress takes no action on such case the alien will then be deported.

The subcommittee recommends that an alien who entered the United States on a nonimmigrant visa may in the discretion of the Commissioner have his status adjusted to the status of a permanent resident if (1) a quota number of the country of which the alien is a national is available, (2) such alien is not inadmissible to the United States under the law, and (3) such alien is not deportable.

The subcommittee recommends that the provisions for the adjustment of status be limited to the case of an alien who is chargeable to a quota country, that a quota number be deducted from the appropriate quota when the adjustment of status shall become final, and that the status of lawful permanent resident shall begin on the date on which such status shall be finally granted and not on the date of entry.

The subcommittee recommends that the Commissioner be given the authority to revoke the status of any alien within 5 years after the adjustment of his status if it shall appear to the satisfaction of the Commissioner that such alien's status was illegally or fraudulently procured.

4. PREEXAMINATION

The subcommittee recommends that preexamination be abolished.

5. CHANGE OF STATUS

The subcommittee recommends that provision for change of status from one temporary class to another temporary class be included in the proposed legislation.

CHAPTER VII

PROCEDURES

A. Admission and Exclusion

1. INTRODUCTION

The Immigration Act of 1924 provides that a United States consular officer, upon the application of any immigrant, may issue to such immigrant an immigration visa, which consists of one copy of the application visaed by the consular officer. No immigration visa may be issued if it appears to the consular officer, on the basis of the application or other papers submitted therewith, that the immigrant is inadmissible to the United States under the immigration laws or if the application fails to comply with the provisions of the act. The authority of the consular officers under the law is plenary. There is no official or judicial review of their action and issuance of a visa is entirely in their discretion. They may, however, ask for advisory opinions in some cases and are required to do so in others.

The act classifies aliens as immigrants and nonimmigrants. Immigrants are aliens coming to this country for permanent residence and are further classified as quota or nonquota. Quota immigrants are divided into first preference, second preference, and nonpreference. Nonimmigrants are those coming here for temporary visits, who must depart when the time for which they were admitted expires or when the status under which they were admitted is terminated.

2. REQUIREMENTS

a. Quota immigrants

Aliens desiring to obtain immigration visas may apply to the United States consular officer nearest to their place of residence, but for good reason may apply at a consulate other than in their home district. Special provision is made for applications filed in behalf of minor children under 14 years.

The applicant must present a valid passport or travel document in lieu thereof, two copies of his birth certificate, police certificate, prison record, if any, and all other public records concerning him kept by the government to which the alien owes allegiance, as may be required by the consul, if the documents are available. If the documents are not obtainable by the exercise of reasonable effort and diligence, the consul may require some other suitable documentation in lieu thereof. The applicant may also be required by the consul to present any other documents necessary for the determination of the facts in his case, such as photographs, evidence of his assurance of support, marriage certificate, or divorce decree.

If the required documents are all in order and provided a quota number is available [1] the applicant must then submit to a mental

[1] It should be noted that a great many quotas are oversubscribed and a waiting list must be maintained.

and physical examination. In some consulates, the United States Public Health Service stations doctors to provide for the medical examination of aliens. In other consulates, the medical examination is made by an approved foreign doctor who must comply with Public Health Service standards. Certain diseases and mental or physical defects will disqualify the alien. The examination must include a blood test and X-ray.

When the medical examination is completed and is satisfactory, the consul interviews the alien and questions him on the various phases of his case. The excluding provisions of the law are explained and a reading test is given. If the consul is satisfied that the applicant meets all the requirements, he has the applicant swear to the truth of his statements, registers and fingerprints him, has him sign all the necessary forms, and then signs the immigration visa which he gives to the alien, who pays a fee of $10 to the consul.

If the quota is open, the applicant may get his visa in a very short time. If the quota is oversubscribed, he must wait until he is reached on the quota list. Visas may not be issued out of turn and there is no exception to this rule. It makes no difference in what country an alien applies for his visa; the waiting time will be the same whether he applies in his own country or in some other country. The quota-control office of the Visa Division issues numbers to each consulate depending upon when the number of a registrant is reached.

The burden of proof is upon the alien to establish that he is not subject to exclusion from the United States. If, in the opinion of the consul, the alien fails to sustain this burden, either as a result of the medical examination or for some other reason, the visa is refused and the case is closed. There is no appeal from the consul's decision refusing to issue a visa. Upon request it may be reviewed in Washington but even if the Visa Division disagrees with the decision of the consul it cannot order him to change his decision but may merely make suggestions such as where a misinterpretation of the law occurs.

A visa is usually good for 4 months from date of issuance. If an alien departs for the United States within the 4-month period, even though he arrives after such period, the visa will be accepted as valid. Otherwise, the visa becomes void.

As previously stated, quota immigrants are classified as first preference, second preference, or nonpreference immigrants. While the procedures for obtaining visas are generally the same for all quota immigrants, a variation exists in the case of an immigrant claiming a preference. First preference is given to the fathers, mothers, or recently married husbands of United States citizens and to skilled agriculturists; second preference to wives and children (but not to husbands) of legally resident aliens of the United States. Fifty percent of a country's quota is available for first preference applicants and the remaining 50 percent for second preference applicants. The remainder from these two preference groups goes to applicants who do not qualify for preference.

A United States citizen claiming that his or her father, mother, or husband by marriage after January 1, 1948, is entitled to a first preference must file a petition with the Commissioner of Immigration and Naturalization. Consuls cannot issue preference visas until they receive authorization to do so. The petition must contain proof of the petitioner's citizenship, of the relationship of the petitioner to the

immigrant, and proof of ability to support the immigrant. This proof is established usually by documents and affidavits. If the petition is found by the Commissioner after investigation to be satisfactory in all respects, notice is sent to the State Department, which then notifies the consul. The consul, in turn, notifies the alien and the general procedure for issuing visas is followed. Preference-quota immigrants must be eligible for admission in all respects the same as any other immigrant.

A legally resident alien requesting a second preference for a specified relative files an application with the Commissioner. It is not as detailed as the petition for first preference but is simply a request that his entry for permanent residence be verified. If the applicant is found to be a lawful, permanent resident of the United States, the Commissioner notifies the State Department, which, in turn, notifies the consul. The alien is then called in by the consul and the procedure previously discussed is followed. In the event the Commissioner denies a petition or application for preference quota status, an appeal may be taken to the Board of Immigration Appeals.

The other class of preference quota immigrants—namely, skilled agriculturists—need not file applications with the Commissioner but they must satisfy the consul that they are entitled to preference as skilled agriculturists. Proof of education and training in agricultural pursuits and an intention to pursue such work in the United States are required by the consul.

b. Nonquota immigrants

The category of nonquota immigrants has already been discussed.[2] The chief difference from a procedural standpoint between the quota and nonquota immigrants is that the nonquota immigrants are admitted without numerical limitations. A petition procedure exists for nonquota immigrants who were born in quota countries and who are the wives, husbands, or children under 21 years of United States citizens. The procedure is the same as that required of those United States citizens requesting preference status for parents or for husbands where the marriage occurred after January 1, 1948. If the marriage to a United States citizen occurred prior to January 1, 1948, the husband is entitled to nonquota status.

The petition is filed with the Commissioner with the necessary documents attached, including proof of United States citizenship, of income and ability to support the alien, of marriage, and any other proof required to establish the facts alleged. If the petition is approved by the Commissioner, the consul is notified through the State Department.

c. Nonimmigrants

(1) General

Aliens coming to the United States for temporary periods, as distinguished from those who come here to reside permanently, are nonimmigrants.[3]

Just as immigrants are required to present certain documents and proof to the consul, most nonimmigrants must do likewise in order to obtain documents for entry into the United States. The exceptions to

[2] See ch. V, p. 458.
[3] The classes of nonimmigrants are discussed in ch. V, p. 510.

this rule are Canadian citizens, British subjects domiciled in Canada, and native-born Cubans all of whom do not need documents from American consuls for entry into the United States for specified periods.

Primarily, a nonimmigrant, with certain exceptions, must have a passport or a document in lieu thereof which will permit him to return to his own or some other country when his visit expires. He must show that he comes within the nonimmigrant category claimed and that he has sufficient funds or that financial provision has been made to cover the expense of his journey here and return abroad.

Nonimmigrant aliens, except certain Canadians, Mexicans, and Cubans, make applications to the consul on a quadruplicate form. One copy of the form is retained in the consular files, while the other three copies of the form are given to the alien for presentation at the port of entry in the United States.

Applications of nonimmigrant aliens are made on these forms for passport visas, limited entry certificates, and transit visas or transit certificates. A visa of this type is the stamp the consul places on the alien's passport. Signed photographs of the alien are attached to the application. Applicants must satisfactorily establish that they fall in one of the following categories:

(2) *Government officials or representatives of officials of international organizations*

The forms are filed with the consul, usually by the person making the application, although the consul may waive personal appearance. The consul must be satisfied that the applicant is entitled to diplomatic status. Usually, clearance and investigation are had before granting a diplomatic visa, inasmuch as the applicant must be acceptable to our Government. No fee is required nor is the applicant required to be registered and fingerprinted. Grants or denials of diplomatic visas must be reported monthly to the Department of State.

(3) *Temporary visitors*

These include aliens wishing to enter the United States as tourists, to visit relatives or friends, for professional or business reasons, to do special work, to attend trade or technical schools, or as exchange visitors under the United States Information and Educational Exchange Act of 1948.[4]

The consul will require positive evidence that the alien is not trying to enter the United States to remain permanently. The fact that the alien has strong ties in his home country which will induce him to return or that he has no ties at all in his own country are important factors. Affidavits of support are sometimes required although not as a rule for businessmen. Proof that the alien can return to his own country or go to some other country at the conclusion of his visit is ordinarily given by the alien's passport. Evidence of intention to work in the United States without prior permission from the Attorney General will cause the consul to refuse a visa.

Nonimmigrants are usually not required to submit to a physical and mental examination but the consul, in his discretion, may require a medical certificate. If the consul is satisfied that the alien has established nonimmigrant status the application form is completed and the alien signs and swears to the truth of the statements.

[4] 62 Stat. 6.

(4) Transits

Aliens who wish to pass through the United States en route to some foreign country are transit aliens and may be issued passport transit visas or transit certificates. While a passport visa is usually valid for 12 months and any number of entries may be made during that time, a transit certificate is valid for a single journey to the United States and is good for a period not to exceed 60 days.

The procedure is similar to that required of other nonimmigrants. Applicants must show the consul that they can enter some other country and that they will leave the United States within 60 days after entering. Evidence of sufficient funds and possession of transportation tickets to a foreign country other than the United States will be required. If there is evidence of any purpose other than to pass through the United States, the consul will deny a transit visa or certificate.

(5) Treaty traders

A treaty trader is one who wishes to enter the United States to carry on trade between the United States and the foreign state of which he is a national. Before the status of treaty trader may be granted, there must be a treaty of commerce and navigation between this country and the alien's country.

The usual documents for nonimmigrants are required, and in addition, the applicant must show to the satisfaction of the consul that he is definitely going to the United States to carry on trade between the two countries. Letters or affidavits from banks or business concerns either in the applicant's own country or in the United States are usually sufficient to establish this fact.

(6) Limited entries

An alien making a limited entry must be a bona fide nonimmigrant who wishes to land temporarily while the vessel on which he is a passenger remains in a port of the United States or who wishes to cross the Canadian or Mexican border for a period of not more than 10 days. Such an alien applies on the regular forms for a limited-entry certificate which is valid for only one entry. The applicant must satisfy the consul that he will enter the United States for such limited period and will leave at the expiration thereof.

(7) Border crossers

Aliens in Canada or Mexico continually cross our borders. To facilitate inspection at ports of entry provision is made for them to apply at American consulates for border-crossing cards. The application is executed in duplicate on a prescribed form. One photograph of the alien is attached to the form kept in the consulate files and one photograph is attached to the card issued to the alien.

Cards will not be issued to aliens who appear to the consul to be immigrants rather than nonimmigrants, to aliens who intend to cross the border and remain more than 29 days, or to aliens who have been admitted into the United States for permanent residence. Aliens in the last category who cross the borders frequently are known as commuters and are not nonimmigrants and they must apply for resident alien's border-crossing cards at the appropriate office of the Immigration and Naturalization Service.

d. Registration and fingerprinting

With certain exceptions, no visa is issued to any alien seeking to enter the United States unless he is registered and fingerprinted in duplicate. The visa application and registration form are consolidated in the forms provided for immigrants and nonimmigrants. Transit certificates, limited-entry certificates, and border-crossing cards are not considered to be visas and applicants for these types of documents do not have to be registered and fingerprinted. The registration and fingerprint forms are delivered by the alien to the immigrant inspector at the port of entry in the United States.

e. Fees

A fee of $1 is charged for executing each application for a visa and $9 for each visa of the passport of an alien. The United States has entered into reciprocal agreements with certain countries for the reduction or waiver of passport-visa fees and charges are made in accordance with each separate agreement.

f. Refusal of nonimmigrant visa

Consular officers may refuse nonimmigrant visas or other documents issued to nonimmigrants in certain cases, such as where the alien fails to establish nonimmigrant status, if the alien is coming to the United States for the purpose of engaging in activities which will endanger the public safety, if he belongs to one of the subversive classes, or if he has been deported or removed from the United States and has not been granted permission to reapply for admission.

3. INSPECTION PROCEDURE

a. General

After the alien has received his visa or other travel document allowing him to come to the United States, there is still no guaranty that he will be admitted upon arrival. He must undergo a further examination and inspection by a doctor and an immigration officer at the port of arrival. This is done for a number of reasons, the main one being that between the time of issuance of the travel document and his arrival at a port of the United States, something may have developed to place him in an excludable class. The alien's documents must be checked to see that they are still valid, that they are in possession of the alien to whom they were issued, and that they are in order in every respect. The head tax of $8 must have been paid by the alien to the transportation company for collection at the port or must be paid by the alien at the port of entry for transfer to the United States Treasury by the officer in charge of the port of entry.

All arriving aliens except at the land-border ports are listed on a manifest. The commanding officer presents this manifest to the examining inspector upon arrival and it is used by the immigrant inspector in questioning the passengers. These manifests become a permanent record for the files, and are signed by the immigrant inspector and the doctor who makes the medical examination of the aliens. Notations are made on the manifests indicating whether the alien was admitted or held for further questioning. At land-border ports, carriers are not required to present manifests. The examining inspector prepares a manifest as a result of the questioning under oath of the individual alien applicants.

Notwithstanding the fact that the alien has been medically examined prior to the issuance of his visa, he is again examined by a doctor at the time of arrival to determine if he is physically and mentally qualified to enter under the law. If found to be free from any physical or mental defects, the alien is then examined by the immigrant inspector. He checks the alien's passport, visa, alien registration and fingerprinting forms, and any other identifying documents that the alien may possess. Where required, a reading test is given to the alien, and he is questioned under oath regarding his reason for coming here, how long he intends to stay, how much money he has, and is asked other questions to satisfy the immigrant inspector that the alien is entitled to admission either as an immigrant or nonimmigrant. If the alien passes both the medical examination and the primary inspection, a stamp is placed on his passport showing the type of admission granted and the passport is returned to him. In the case of an immigrant, the stamp indicates that he was admitted for permanent residence. In the case of a nonimmigrant, the stamp indicates for what period of time the inspector has admitted the alien and under what classification. The visa and alien registration and fingerprint forms are forwarded to the central office.

Once an immigrant is admitted, there are no restrictions on his length of stay, where he may reside or his right to employment. Nonimmigrants must satisfy the inspector that they will remain here only temporarily and maintain the status under which they were admitted, that they will not accept employment without permission and, in some instances, must be willing to furnish a bond of not less than $500 that they will comply with the conditions of admission.

In most instances, inspectors must rely upon the documents presented to them by the aliens. The great majority of aliens applying for admission are admitted to the United States upon primary inspection. Because of some defect in the documents or some circumstance which creates a doubt in the inspector's mind, a few are not admitted immediately but are held for further interrogation. The primary inspector must be satisfied that the alien is admissible under all provisions of the law before he will stamp the alien's passport and permit him to enter.

b. Boards of special inquiry

If the alien fails to pass the medical inspection or is held by the primary inspector for further examination, he is entitled to a hearing before a board of special inquiry. The primary inspector signs and delivers to the alien a written notice that the alien does not appear to be clearly and beyond a doubt entitled to enter the United States and is to be held for further examination. The alien is then advised that he may have counsel representing him at the hearing.

At most ports of entry, permanent boards of special inquiry are established. Boards sometimes consist of three immigration officers, but in most cases consist of two officers and one stenographer. The hearing is held as soon as possible after arrival of the alien. One member of the board is designated as chairman and he usually questions the alien regarding all essential facts in the case. The witnesses for the alien are then questioned and the alien's attorney is permitted to interpose any questions he desires.

After the hearing is completed and following any statement made by counsel for the record, the board members discuss the case among themselves. If their decision is in favor of the alien's admission, the alien is so notified and he is admitted into the United States. If the board is not satisfied that the alien is entitled to admission, the alien is notified that he is excluded and the chairman usually makes a short statement for the record outlining the facts upon which the exclusion order is based. Where the alien has the right of appeal, he must be advised of this right and he must indicate whether or not he wishes to appeal. An alien has the right of appeal in all cases, except where he has been excluded because he has tuberculosis, a dangerous or loathsome contagious disease, or because of insanity or mental defect. If the alien does not wish to appeal, he is returned to the country from which he came and the case is closed.

When the hearing is concluded and the alien is advised of the decision and indicates his desire to appeal, the minutes of the hearing are transcribed and the case is forwarded to the Commissioner for review.

c. Medical appeals

A somewhat different procedure exists in cases where an alien has been rejected by a board of special inquiry on medical grounds. The alien is examined upon arrival by a Public Health doctor, who must make a certification to the immigration officers. If the alien is certified as being afflicted with insanity or mental defect, he is advised of his right to appeal to a medical board. Such an appeal relates to the medical certificate and not to any excluding decision of the board of special inquiry based thereon. It may be taken before or after an excluding decision is made, and every alien so certified must be notified by the board of special inquiry of his right to a medical appeal and his right to introduce an expert medical witness of his own choosing. Two and sometimes three medical officers designated by the Surgeon General of the United States Public Health Service compose the medical board which examines the alien. An expert medical witness may testify for the alien. A record of the proceedings is kept and the decision is reported to the immigration authorities. If the medical board concurs in the findings of the doctor making the original examination, the alien is so certified to the board of special inquiry. The board will then deny admission to the alien based on the certificate of the medical appeal board; there is no further appeal from this decision.

d. Departmental disposition

When the Commissioner receives a record of hearing in an appeal from the board of special inquiry, the case is referred to an examiner for review to ascertain whether the procedure required by law and regulation has been followed, whether the record discloses any unfairness in the conduct of the case, whether the case requires reopening before the board, what provisions of law apply, whether the evidence before the board supports the decision, and whether discretionary action is merited or permitted.

Upon completion of the review, the examiner prepares findings of fact, conclusions of law, and an order or recommendation for the disposition of the case, which, together with the record, are then referred to the Assistant Commissioner for adjudication. After

any necessary revision, the order or recommendation is signed by the Assistant Commissioner and submitted to the Commissioner for signature. The order may reverse the decision of the board of special inquiry, affirm the decision, or may reverse in part and affirm it in part.

In cases in which an appeal may be taken to the Board of Immigration Appeals, a copy of the Commissioner's order and decision is served on the alien or his counsel or other representative by registered mail or personal service, which must contain a written notice of the alien's right of appeal to the Board of Immigration Appeals.

All notices of appeal to the Board of Immigration Appeals must be filed by the alien or his representative with the Commissioner, as well as with the Board. On receipt of a notice of appeal, the Board requests the Commissioner to forward the entire record. When the record is received by the Board, it is set down for oral argument when requested. If argument is not requested, the record is submitted to one of the Board members for consideration and passed on to other Board members with a notation of his views on the case. If the case is considered by two board members who agree with the decision of the Commissioner, the practice is not to review the case by the full Board and an order either approving or reversing the Commissioner's order is prepared. If there is any question by any board member, the case goes to the full Board and it is discussed in conference.

If the case is set for oral argument, three board members, usually including the chairman, sit as a panel to hear the case. If the three persons sitting in a case agree, they direct an order on the line of their decision. If they are in doubt or disagree, the case is discussed by all five members in conference. The Immigration and Naturalization Service may be represented in argument before the Board by any employee or officer designated by the Commissioner.

A copy of the decision and order of the Board is served on the alien or his representative. If the decision is favorable to the alien, the case is closed. If the decision is unfavorable, the alien may ask for a reconsideration. Reconsideration can be had only on written motion filed with the Board. The Board in its discretion may grant or deny such motion and stay deportation, pending consideration. The motion to reconsider must state reasons for reconsideration, pertinent precedent decisions, any new facts to be proved and supported by affidavits, and other evidentiary material. While a case is pending before the Commissioner or the Board of Immigration Appeals, the alien is not deported. In most cases, he is held in detention at the port of entry until a final decision is made. In a few cases, he is paroled into the United States temporarily under bond, pending the final decision.

e. Expenses

When an alien is held for further examination at the port of entry, the expense of detention is usually paid by the transportation company. If the Government has detention facilities at the port, the alien is placed in the detention station at the expense of the transportation company. If there are no detention facilities at the port, the transportation company is responsible for the alien's appearance at any later date. It is necessary, if the transportation company does not have facilities aboard its vessel to detain such alien, that the

company take the alien to a hotel, place him under guard, and have the alien at a hearing at a designated time. The temporary transfer of the alien to land is not considered an entry under the immigration laws.

Aliens brought into the United States in violation of the law are promptly sent back to the country whence they respectively came on the vessel bringing them, unless, in the opinion of the Attorney General, prompt deportation is not practicable or proper. The cost of their maintenance while on land, as well as expense of return of such aliens, is borne by the transportation company by which they came, except that detention expenses and expenses incident to detention, are not assessed against the company when the aliens are in possession of unexpired visas issued by United States consuls within 60 days of the alien's foreign embarkation, if the sole cause of exclusion is one arising under that part of the law which provides that no immigrant shall be admitted to the United States unless he has an unexpired immigration visa or was born subsequent to the issuance of the immigration visa of the accompanying parent, or is a nonquota immigrant and is specified in the immigration visa as such. It is unlawful for the transportation company or its agents to refuse to receive back any alien brought to the United States in violation of law; to fail to detain aliens on board if required; to refuse or fail to return them to the foreign port from which they came; to fail to pay the cost of their maintenance while on land; or to make any charge for the return of such aliens, to take any securities for the payment of such charge, or to take any consideration to be returned in case the alien has left the United States.

The transportation company is liable for all expenses incident to or involved in the removal of an alien from the vessel or the detention of an alien, irrespective of whether the alien is removed or detained or subsequently admitted or deported. Such expenses include those of maintenance, medical treatment in hospital or elsewhere, burial in the event of death, and transfer to the vessel in the event of deportation.

If in the judgment of the officer in charge, based upon the expressed opinions of a surgeon, it is necessary for the proper care of an alien that he be removed to a hospital, or as a measure of humanity, to place with him there an attendant or accompanying alien, the cost of the latter's detention in the hospital must be borne in the same manner as the cost of treating disabled aliens.

If the examining medical officer certifies that a rejected alien is helpless from sickness, mental or physical disability, or infancy and such alien is accompanied by another alien whose protection or guardianship is required by such rejected alien, such accompanying alien may be excluded and the transportation company required to return the accompanying alien in the same manner as it is required to return rejected aliens.[5]

Immigration officers are under no obligation to order the removal of aliens from a vessel for inspection or hospital treatment until the

[5] A table showing the man-days of detention for the fiscal years 1947, 1948, and 1949, at Government expense and at the expense of transportation lines, or other agencies, which are reimbursable to the Immigration and Naturalization Service, appears in appendix XIII, table 6, p. 914. The comparative per capita cost of maintenance and detention for the fiscal year ending June 30, 1949, the average daily population, current average population, and the maximum capacity of each detention station operated by the Government, are given in table 7, p. 915.

companies have obligated themselves in a manner satisfactory to such officers for the payment of expenses. The Immigration and Naturalization Service may require payment in advance or security for each and every alien hospitalized and the alien may be returned to the vessel for failure on the part of the transportation company at any time during the course of detention to pay the expenses.

Detention expenses are borne by the Government in the cases of aliens held as witnesses under section 18 of the Immigration Act of 1917 and insane aliens whose health or safety would be unduly imperiled by immediate deportation. In cases in which the wives and minor children of naturalized citizens are accorded special treatment under section 22 of the Immigration Act of 1917, expenses are borne by the Government when it is satisfactorily shown that the husband or father is unable to pay such expenses. The cost of hospital care in Public Health Service hospitals is at the daily rate of $10.75.

Regulations permit an alien to remain a few days at an immigration station upon the payment of actual expenses. If the delay in leaving the immigration station is due to accident or other unavoidable circumstances and the alien is without sufficient means to defray the expenses incident thereto, the immigration officer in charge in his discretion may authorize such expense, reporting the case promptly to the central office with full reason for his actions and requesting that the authorization be ratified.

4. APPRAISAL AND RECOMMENDATIONS

a. Consular authority to refuse visa

Objection has been made to the plenary authority presently given to consuls to refuse the issuance of visas on the ground that, with such an absolute authority, a great many abuses might prevail. In order to maintain a constant check and to be assured that consuls are not abusing their discretion, it was suggested that an appeal be allowed from consuls' refusal to issue a visa. It was alleged that under present procedures, there is no uniformity in granting or denying visas, and in order to attain some degree of uniformity in consulates throughout the world, some system of visa appeals should be established. The subcommittee concludes, however, that to allow an appeal from a consul's denial of a visa would be to make a judicial determination of a right when, in fact, a right does not exist. An alien has no right to come to the United States and the refusal of a visa is not an invasion of his rights. Permitting review of visa decisions would permit an alien to get his case into United States courts, causing a great deal of difficulty in the administration of the immigration laws. It is the opinion of the subcommittee that the question of granting or refusing immigration visas to aliens should be left to the sound discretion of the consular officer.

b. Fees

Under present law and procedure, an alien pays a consular fee of $10 and a head tax of $8. The visa fee is paid directly to the consulate, and the head tax is collected by the transportation company bringing the alien to the United States or by the immigrant inspector at the port of entry. Fees are forwarded to the Treasury Department through the collector of customs. Suggestions have been made that

the present fees are entirely inadequate and that transportation companies should not be required to collect the head tax. In order to provide for better administration and with a minimum of effort, the subcommittee recommends that the visa fee and head tax be combined into a fee of $25, payable to the consul on issuance of a visa. It is further recommended that in the case of nonimmigrants, fees should be on a reciprocal basis and charges made in accordance with what other countries charge United States citizens for entering their territory, regardless of whether the fee is called a visa fee, a landing privilege, or some other name.

c. Nonquota and preference quota immigrants

Under present procedures, certain nonquota and preference quota immigrants establish their right to nonquota or preference quota status by an application filed with the Immigration and Naturalization Service. Certain other quota and nonquota immigrants are not required to have petitions approved before a status is granted to them. In line with the subcommittee's recommendation that the United States should establish a more selective immigration system, the subcommittee recommends that the present petition procedure be abolished and a new petition procedure be established, as follows:

Whatever status is claimed for a prospective immigrant, it would be established by making a formal application to the Commissioner. The Commissioner would then cause the application to be thoroughly investigated after which he would make a determination as to whether or not the requested status is established. If his decision is favorable he would notify the Director of the Bureau of Passports and Visas, who in turn would notify the consul that the status has been authorized, whereupon the consul may grant the status requested.

d. Nonimmigrants

It is the information of the subcommittee that, under present procedures, consular officials have authority to deny nonimmigrants visas in only four types of cases. In order to avoid confusion where certain nonimmigrant aliens are issued visas and are then found excludable at the port of entry, consuls should have greater authority to refuse nonimmigrant visas. This authority should be extended to include all grounds upon which a nonimmigrant can be excluded from admission to the United States.

e. Inspection and appellate procedure

The subcommittee concludes that the present primary inspection procedure, which is the initial inspection that an alien receives upon arrival in the United States, is adequate. After consideration of all the testimony received on the composition of boards of special inquiry, the subcommittee recommends that the present statutory requirement of a three-man board be abolished, and that there be substituted a single immigration officer to be known as a hearing officer.

Under the proposed procedure, if any alien is not clearly admissible in the opinion of the primary inspector, he is to be referred to the special hearing officer, who would give the alien a full and complete hearing. The alien would be permitted to have counsel present. An appeal would lie from the excluding decision of the special hearing officer to the Commissioner. In every case where an alien is excluded, the decision of a special inquiry officer would be final unless reversed

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by the Commissioner. Under the proposed appellate procedure, no provision is made for an appeal from the decision of the Commissioner to any higher administrative authority.

B. Expulsion of Aliens

1. GENERAL CONSIDERATIONS

Provision for the deportation of aliens is contained in section 19 (a) of the Immigration Act of 1917, as amended,[8] which states that certain designated aliens "shall, upon the warrant of the Attorney General, be taken into custody and deported." The procedure whereby aliens are deported or are found subject to deportation is not specified in the law, but the constitutional guaranty of the fifth amendment that no person shall "be deprived of life, liberty, or property without due process of law" has given rise to a series of regulations which afford aliens an opportunity to be heard upon the questions involving the right to be and remain in the United States. These regulations have the force and effect of law and are binding upon the immigration authorities. Their nonobservance might invalidate the entire hearing even though no actual prejudice to the alien is shown. Following is an account of the procedure for investigation, detection, apprehension, arrest, detention, hearing, appeal procedure, and eventual expulsion of aliens.

2. PROCEDURES

a. Warrant of arrest

The Service is required to investigate all aliens who are believed to be subject to deportation. The purpose of the investigation is to establish that the subject is an alien and that he is subject to deportation. All statements taken from the alien or any other person must be reduced to writing and signed by the person questioned after first warning him that the statement may be used as evidence in any subsequent proceeding. If the alien or other person interrogated refuses to make a recorded statement, the investigating officer sets forth the facts in writing certifying that no other evidence can be readily obtained. If the preliminary investigation discloses a prima facie case for deportation, an application for a warrant of arrest is made. The application sets forth the grounds upon which it is made and is accompanied by all supporting evidence. If it is a criminal case, the application is accompanied by a certified copy of the record of conviction and sentence. If it is a public charge case, the application must be accompanied by a certificate of the official in charge of the institution showing that the alien is or has been confined and that he is or has been maintained at public expense. Provision is made for a telegraphic application for a warrant of arrest whenever there is likelihood that the alien will abscond or when necessary to avoid undue expense to the Government. In such cases a code supplied by the central office is used.

Upon a prima facie showing that an alien is subject to deportation, a warrant of arrest may be issued by the central office. Where there is an emergency, in a case of a recent illegal entrant, or in the case of one entitled to suspension of deportation, the warrant may be issued

[8] 8 U. S. C. 155.

by the officer in charge of a field district. If the officer in charge of a district issues a warrant of arrest, a copy of the warrant and all of the supporting evidence must be forwarded immediately to the central office.

The warrant of arrest sets forth the violation of the immigration law as charged and directs that the alien be taken into custody and granted a hearing to show cause why he should not be deported. It includes, where appropriate, authorization for detention or release from custody. The warrant must inform the alien adequately of the violation of the immigration law which brings him within the deportable class to enable him to offer refuting testimony at the hearing. If the alien is confined in a penal institution, a copy of the formal warrant must be filed with the officer in charge of the institution. In cases of mental incompetency or of children under 16 years of age, a copy of the warrant must be served upon the alien's guardian, near relative, or friend whenever possible.

Immediately upon being taken into custody, the alien must be advised of his right to representation by counsel at the hearing and of the amount of bail under which he may be released from custody. If the alien is found to be in possession of a border crossing card, it is taken up and retained in the immigration office where the hearing is conducted until final decision is made in the case. Every alien, 14 years of age or older, who is taken into custody must be fingerprinted and any alien who is arrested, regardless of his age, is photographed.

Aliens arrested in deportation proceedings may, pending final disposition of their cases and in the discretion of the officer in charge of the office having custody of the aliens, be released on bond, personal recognizance, or on parole, unless specific instructions to the contrary shall have been issued by the central office. If the officer in charge directs release of the alien under conditions other than those stated in the warrant, he must make an immediate report to the central office stating his reasons therefor. In case the central office has not authorized detention without bond, if the officer in charge of an office having custody of an arrested alien has reason to believe that release should not be authorized under any conditions, the alien may be continued in custody and a report is made to the central office promptly, giving reasons for the action taken.

An alien under deportation proceedings not released on bond, on personal recognizance, or on parole, may be confined only in a detention facility operated by the Service, in a jail which has been approved by the Service as a detention facility, or, upon approval from the central office, in some other suitable quarters. Children under 18 years of age, or women, are not held in custody in jails unless absolutely unavoidable. When detention is necessary, they may be detained in a private home, or other facility operated by a social welfare or philanthropic agency. When detention of such aliens in a jail is necessary, the officer in charge reports his action to the central office. When the officer in charge believes that the interests of the Service are enhanced by taking a different action on an arrested alien than that provided by the warrant of arrest, he may do so and report his action to the central office.

The release on parole of an alien arrested in deportation proceedings is authorized when the interests of the Government will be better

served by such a procedure than by releasing the alien on his own recognizance. If an alien is ordered released under a delivery bond, bond is not less than $500 and is to insure the alien's appearance when wanted. If an arrested alien is to be released upon his own recognizance, the officer serving the warrant of arrest must ask the alien if he will appear whenever required to do so by proper officials. The officer notes, on the reverse side of the warrant copies, the fact that the alien was released upon his own recognizance.

b. Hearing under warrant

After the alien has been taken into custody under a warrant of arrest and has been given a reasonable time to arrange for his defense, including, if desired, representation by counsel, he is granted a hearing to determine whether he is subject to deportation on the charges stated in the warrant. The hearing is conducted by an immigrant inspector who is referred to as the presiding inspector. The immigrant inspector who conducted the investigation in the case cannot act as presiding inspector unless the alien consents. The presiding inspector rules upon all objections to the introduction of evidence or motions made during the course of the hearing, conducts the interrogation of the alien and the witnesses in behalf of the Government, and cross-examines the alien's witnesses and presents such evidence as is necessary to support the charges in the warrant. He must also see that all documentary or written evidence is properly identified and introduced into the record as exhibits by number unless they are read into the record. He must make certain that the record is a verbatim report of everything that is stated in the course of the hearing, including the oaths administered, the warnings given to the aliens or the witnesses, and the rulings on objections.

At the beginning of a hearing under a warrant of arrest, the presiding inspector must permit the alien to inspect the warrant and inform him of the charges contained therein by repeating them verbatim and explain them in language which will clearly convey to the alien the nature of the charges he must answer. He must apprise the alien, if not represented by counsel, that he may be represented if he so desires and require him to state then and there for the record whether he desires counsel. The alien must then be placed under oath or affirmation and advised of the penalty for perjury. The formal warrant of arrest must then be entered into the record as an exhibit and identified by number.

If the alien obtains counsel, such counsel must be permitted to be present during the hearing to offer evidence, to meet any evidence presented by the Government, and to cross-examine witnesses called by the Government. Counsel is permitted to state his objections succinctly and they must be entered on the record. Argument of counsel in support of his objections is excluded from the record but counsel may submit such argument in the form of a brief to accompany the record. If the alien does not have counsel, he has the same rights as though he were represented by counsel. At any time during a hearing, the alien may apply under the provisions of section 19 (c) of the Immigration Act of 1917, as amended, for the privilege of suspension of deportation or voluntary departure.

The presiding inspector must develop the facts relating to alienage and nationality, to the charges in the warrant of arrest or to any addi-

tional charges applicable, to the alien's eligibility for any relief applied for, to the personal-history data of the alien including the name or names of the alien, the place of his birth, the name of the nearest town of importance to the place of his birth, the province and country in which such place is located, the alien's religion, the names and locations of the churches or schools he has attended, the last address of the alien in his native country or the country of which he is a citizen or subject, the country in which he last resided, the country in which he embarked for the United States, correct names and addresses and a citizenship or nationality of the alien's nearest relatives residing in the country of his birth, and correct names and addresses of all near relatives residing in the United States.

A recorded statement made by the alien or by any other person during an investigation may be received in evidence only if the maker of such statement is unavailable or refuses to testify at the warrant hearing, or gives testimony contradicting the statements made during the investigation. An affidavit of an inspector as to the statements made by the alien or other person during an investigation may be received in evidence, otherwise than in support of the testimony of the inspector, only if the maker is unavailable or refuses to testify at the hearing, or gives testimony contradicting the statement and the inspector is unavailable to testify in person.

The record of the hearing accorded an alien who is suffering from any mental or physical disability must be supplemented by a medical certificate showing whether the alien is in condition to be deported without danger to life or health and whether he will require special care and attention in case of overseas deportation.

If it appears to the presiding inspector during the course of the hearing that there exists a reason, additional to those stated in the warrant of arrest, why the alien is subject to deportation, he must notify the alien that the additional charge is lodged against him and then proceed with the hearing upon such charge in the same manner as on the charges contained in the warrant of arrest. Before the hearing is concluded, the alien is warned that he will be guilty of a felony if, after deportation, he enters or attempts to enter the United States unless entry or attempted entry is made after 1 year from the date of departure or deportation and the alien has been granted permission by the Attorney General to reapply for admission.

c. Opinion and review

After the hearing has been concluded, the presiding inspector prepares a memorandum setting forth a summary of the evidence adduced at the hearing, his proposed findings of fact and conclusions of law, and a proposed order. If the alien has applied for the privilege of departure in lieu of deportation or for suspension of deportation, the presiding inspector follows his conclusions of law as to the alien's deportability with a discussion of the alien's eligibility for relief and of his reasons for his proposed order. He must then state in numbered paragraphs his proposed findings of fact and his proposed conclusions of law as to the alien's eligibility for the relief requested. In the proposed order, the presiding inspector recommends cancellation of the proceedings, deportation, departure under an order of deportation, departure in lieu of deportation, or suspension of deportation in ac-

cordance with the judgment he has made on the basis of the evidence adduced at the hearing.

The presiding inspector must serve on the alien or his counsel a copy of his memorandum containing his discussion of the evidence, the proposed findings of fact, conclusions of law, and order. The alien or his counsel is allowed a reasonable time, not to exceed 10 days, except on showing of good cause that more time is necessary, in which to file exceptions to the proposed findings, conclusions, and order of the presiding inspector and to submit a brief if desired. Reasonable extensions of time for the filing of exceptions or brief may be granted in the discretion of the officer in charge.

At any time prior to the forwarding of the record to the Commissioner, the officer in charge of a district or suboffice may direct that a case be reopened for proper cause. The Commissioner may direct a reopening of the record for proper cause at any time prior to such time as an appeal from his order may be entered. Requests by aliens or counsel for reopening of the hearing prior to entry of a final order must be in writing, must state the new facts to be proved, and must be supported by affidavits or other material evidence. All requests for reopenings must be filed with the field office, and if the record of hearing has been forwarded to the Commissioner, the request for reopening must be forwarded to him. If the case is pending before the Commissioner, he must grant or deny the request, but if the case is pending before the Board of Immigration Appeals, the request must be forwarded to the Board, which either remands the case for further hearing or denies the request and renders a decision on the record.

After the alien or his counsel files his exceptions or brief the entire record, including all copies of requests for discretionary relief, the presiding inspector's proposed findings, conclusions and order, exceptions and brief, must be forwarded to the Commissioner.

When the record of hearing is received in the central office, it goes to the Hearing Review Unit of the Office of Adjudications. Here the record is reviewed to determine various factors, such as whether alienage has been proved, whether the procedure required by law and regulation has been followed, what provisions of law apply, and so forth. An order is then prepared by an examiner in the unit for the signature of the Assistant Commissioner for Adjudications. This order is final, except that an appeal lies to the Board of Immigration Appeals. The procedure on appeal to the Board is similar to that set out in the admission and exclusion procedure.

d. Warrant of deportation

In the event a final order is issued directing deportation of the alien, a warrant of deportation is issued. This warrant may be issued by the district director in certain cases, or by the central office or by the Board of Immigration Appeals. Upon the issuance of the warrant of deportation, the alien, if not already in custody, is taken into custody thereunder and deported. If the warrant of deportation does not expressly direct to the contrary, the officer in charge of the district may permit the alien to depart to any country of his choice by reshipping foreign one way as a seaman or by any other method at the alien's expense. In serious emergencies district directors may stay the deportation of an alien temporarily and such a stay of deportation must be reported to the central office. Transportation companies

must be notified of the proposed deportation of an alien with a brief description of the alien and any other appropriate data, including the cause of deportation, physical and mental condition, and destination. Aliens ordered deported to foreign contiguous territory are returned across the border at the nearest point. Where an alien needs special care and attention, such care must be provided.

At the option of the Attorney General, an alien is deported to the foreign country from which he came if domiciled there, or to the foreign port from which he embarked to the United States, or if such embarkation is from foreign contiguous territory, to the foreign port at which he embarked for such territory. If an alien is found not to have been domiciled in the country from which he came, or if that country holds that he is not a national or refuses to consent to his return, or if he entered foreign contiguous territory from the United States and later entered the United States, then he is deported to the country of his citizenship or to the country of his domicile before entering the country from which he entered the United States.

In order to execute a warrant of deportation, a passport or travel document must be obtained from the representative of the foreign country to which the alien is to be deported. This leads to many complications which are discussed below. If deportation is not effected within a reasonable time, the alien must be released. Where deportation proceedings are instituted within 5 years after the entry of an alien and the cause existed at the time of such entry, the expense of deportation is borne by the contractor, procurer, or other person by whom the alien was unlawfully induced to enter the United States; if that cannot be done, then by the carrier by which such alien came to the United States, or if that is not practicable, then by the Government. When deportation proceedings are instituted at any time by reason of causes that arose after entry, all expense is borne by the Government.

e. Judicial review

Once the order and warrant of deportation are issued, the administrative process is complete. Under the fifth amendment to the Constitution, the "due process" provision, the alien may, however, petition for a writ of habeas corpus. In a habeas corpus proceeding, based on a deportation case, the court determines whether or not there has been a fair hearing, whether or not the law has been interpreted correctly, and whether or not there is substantial evidence to support the order of deportation. Habeas corpus is the proper remedy to determine the legality of the detention of an alien in the custody of the Immigration and Naturalization Service. The dismissal of an application for a writ of habeas corpus is not a bar to the filing of another application before another judge.

3. DEPORTATION PROBLEMS

a. General scope

The problems leading up to the actual expulsion procedure are many and varied, including illegal entries along our land and sea borders, smuggling of aliens, stowaways, aliens who violate their status or remain longer than permitted, and many others.

The illegal entry of aliens into the United States is one of the most serious and difficult problems confronting the Immigration and

Naturalization Service. The United States has always been a receiving country for aliens, and throughout its history, millions have come to our shores. The influx of aliens became so alarming that provision was made for their exclusion on the basis of economic, moral, mental, and physical qualifications. Subsequently, the numerical quota basis for entry was added to the law. With these restrictive provisions, a great wave of illegal entries and attempts at illegal entry followed. It was estimated recently that more than 1,000,000 requests for quota numbers have been made to consuls in Europe from aliens who hope to enter the United States legally. Immigration quotas for all but a few countries are oversubscribed for many years to come. Economic and political conditions in other parts of the world are motivating factors in the desire of aliens to come to the United States.

Since the end of World War II, the problem of illegal entry has increased tremendously. An accurate determination of the number of aliens illegally in the United States cannot be made. Estimates must necessarily be based on the number of aliens in an illegal status who are apprehended. In the course of a congressional hearing a few years ago, an official of the Immigration and Naturalization Service was questioned concerning the number of aliens who were in the United States illegally. Such a question, he replied, was like asking a police chief how many people had driven through a red light that day. Estimates on aliens illegally in the United States have ranged from one to five million. The subcommittee has been told that there may be as many as 50,000 Cubans illegally in the Miami, Fla., area and approximately 50,000 illegal aliens in the vicinity of Los Angeles. The subcommittee has received testimony indicating that there are also large numbers of illegal aliens in other areas of the country. During the fiscal year 1949 there were 296,337 aliens deported or granted voluntary departure; more than 90 percent were natives of Mexico. The number of aliens deported or allowed to depart voluntarily under deportation proceedings in the last 15 years has exceeded the number of immigrants who have entered legally.

There is ample evidence to indicate that there is an alarmingly large number of aliens in the United States in an illegal status. Under the Alien Registration Act of 1940 some 5,000,000 aliens were registered. Approximately 500,000 of those registering were judged to have an immigration status which required investigation and the Immigration and Naturalization Service is encountering aliens daily who failed to register as required.

Illegal entry of Mexican citizens has increased at a tremendous rate each year since 1943. During the first 6 months of the fiscal year 1949, approximately 150,000 aliens who had entered the United States illegally were apprehended, the majority being Mexican nationals. In 1948, a smuggling ring bringing aliens into the United States from Cuba by aircraft was uncovered. Since the end of World War II, the number of alien stowaways has increased. In 1946, about 869 stowaways were intercepted; in 1947, 1,140; and in 1948, 1,094. Since World War II, more than 300 aliens in small groups abroad have merged their resources and purchased vessels with which they sailed to the United States. In April 1948 there were 96,569 visitors in the United States; 61 percent were still within the period of their admission and the departure of the remaining 39 percent had not been verified. In addition, there were 25,795 aliens in a transit status,

who were admitted solely to pass through the United States destined to some other country. Of this number only 10 percent were still within the period of their admission, and the departure of the other 90 percent had not been verified.

During the 1949 fiscal year, there were more than 85,000,000 entries into the United States, including of course, citizens and aliens, as well as persons who cross our borders any number of times during the year. A great majority of these entries have been legal. There is no sure way of knowing how many were illegal. It seems reasonable to assume, however, that with so many people entering at our seaports and crossing our land borders, it would be practically impossible to control illegal entries entirely.

The control problem is not confined solely to illegal entry. In addition to those who enter the United States illegally, there are aliens in the United States in an illegal status who entered legally in the first instance, aliens who entered as nonimmigrants and who violated the conditions under which they were admitted. Foreign government officials may resign or be dismissed from the service of their government; temporary visitors remain in the United States after the expiration of their authorized visit; aliens who enter the United States in transit to another country fail to proceed to that country and remain in the United States; alien seamen obtain employment on shore and fail to depart with their boats; treaty merchants discontinue trading with the countries of which they are nationals. All of these then become aliens in the United States in an illegal status and subject to deportation.

The Service has a force of about 1,300 border patrolmen who patrol our Canadian and Mexican borders and the Florida Gulf area. The Canadian border from Eastport, Maine, to Port Angeles, Wash., is approximately 3,986 miles. This area has mountains, heavily wooded areas, inland waterways, and open plains. Transportation includes railways, highways, bus lines, air lines, and boat lines. The Mexican border extends about 1,935 miles across southern California, Arizona, New Mexico, and Texas and consists of rugged mountain ranges, open plains, deep canyons, desert area, and the shallow Rio Grande. The Florida Gulf areas cover 3,700 miles of coast line, from North Carolina to Texas and consists of numerous inlets, keys, and bayous. Ports of entry are established at intervals along the entire length of these land-border and coastal areas.

At some points, the physiography of our borders create natural barriers to the alien who is trying to enter the United States surreptitiously and wide open spaces are offered to him at other points. Naturally, this condition creates a multiple problem for the border patrol, which must be met in the constant daily enforcement of the law with what is considered to be a numerically inadequate force.

A border patrol force of only 1,300 is available to apprehend aliens coming into our country illegally over all kinds of terrain, employing many methods of entry. The active force at any one period of time is much smaller, of course, since the patrol force is divided into three shifts, so that only one-third is active at any given time of the 24-hour day. In addition, leave and illness, and time spent at hearings and on other matters further reduce the active force.

The influx of aliens entering illegally has tremendously increased since the end of World War II. This creates an increasingly serious

problem, since the enforcement personnel has remained practically static. There were over 300,000 apprehensions during 1949, even though there was insufficient personnel to check all main traffic arteries. Officials of the Immigration and Naturalization Service stated that an increase of 1,100 men in the border patrol would increase its effectiveness approximately 60 percent and provide complete coverage at all points where aliens are seeking or making surreptitious entry into the United States.

The Immigration and Naturalization Service conducts thousands of investigations every year which deal with aliens who are in an illegal status. These investigations stem from spot checks from informants and from other leads. During 1949, there were almost 300,000 investigations made. During the fiscal year 1948, 31,685 investigations regarding temporary stay violations were completed. During that same year, 50,701 such investigations were required to be made. Thus, at the end of the fiscal year, there were still 19,016 cases that still required investigation.

The Immigration and Naturalization Service reported that nonimmigrant visitors who violate their status are increasing in such numbers that the present force is numerically inadequate to maintain good control over the situation. The backlog of violators makes it impossible to check visitors during their legal stay period; it is only possible to investigate those who have definitely overstayed their leave. This situation is serious, especially in view of the results obtained by a spot check of recently arrived visitors conducted in August 1948 in the Los Angeles district, which revealed that 40 percent of the visitors had violated their status in some manner, 12½ percent had married and others had left the district to which they had been admitted.

There were 123,602 investigations contemplating warrants of arrest completed during 1948. Of this number 73,000 were cases constituting a backlog from the original alien registration cards (23,000 of this group came from a check of the Immigration and Naturalization files which revealed that they had either left the United States, died, departed, or that they had legalized their status), 50,000 were completed by field investigations. The remaining 50,000 of the 123,602 completed cases were initiated because of information received from sources other than from the alien registration records. On June 30, 1948, there was a backlog of 112,062 investigations, including 88,000 backlog alien-registration cases and 3,000 subversive cases. In the past, investigations contemplating warrant of arrest have been handled at the rate of 100,000 cases per year. It is estimated that the work load for 1949 would be 212,062 cases, but if additional investigators could be employed, the load could be increased by an additional 200,000 cases. This would mean that the potential case load could be approximately 400,000 investigations. It was stated that this estimate was based on reports from the field offices, particularly those in New York, Los Angeles, Chicago, and San Francisco.

On June 30, 1948, the pending case load was 143,258 investigations. By June 30, 1949, the pending case load was reduced to 40,093. The greatest reduction appears to have been in investigations contemplating warrants of arrest involving charges other than subversive charges.

The pending case load of investigations contemplating warrants of arrest involving other than subversive charges was progressively

reduced from 125,741 in November 1948, to a low of 12,282 by June 30, 1949. The other classifications of investigations individually show relatively small fluctuations during this same period.

An important factor increasing the pending case load does not appear in any statistical tables. Some Immigration and Naturalization officials claim that investigators are increasingly being absorbed for the handling of special benefit cases. This situation has progressed to the point where relatively few men are left to devote their time to conducting investigations.

During the period from 1938 to 1943, the total number of apprehensions did not follow any specific pattern. The statistics on the number of apprehensions fluctuated between a high of slightly less than 23,000 in 1938 to a low of approximately 17,000 in 1941. Between 1940 and 1944 the number of apprehensions more than doubled, rising from 18,046 to 40,860. The number doubled again in 1945 and by 1949 the progressive rise of apprehensions reached 309,440.[7]

It is the general opinion among immigration officials and enforcement officers in the Mexican border areas that the number of apprehensions is not closely related to the number of entrances, because of the lack of enforcement personnel available to prevent or intercept illegal entrants. An immigration patrol inspector stated that the border patrol is too small in personnel to cover the 2,000 miles of border between the United States and Mexico, and that although the roads are patrolled with some attempt at regularity, they cannot be patrolled as often as is desired. Once aliens get by our border patrol and filter to points farther inland, there is no adequate force to back up the border patrol.

The total number of persons apprehended by the border patrol from fiscal years 1935 to 1945 was 223,873, while the average number apprehended per year in 1947 and 1948 was slightly less than 200,000 each year. The majority of the apprehensions to date have been made on the Mexican border "hot spots" and most of the apprehensions for 1948 were of Mexicans who desired to engage in agricultural labor. The demand for such labor and the differences in economic conditions between the United States and Mexico are incentives for the migration of large numbers of aliens. The economic difference between the areas immediately adjacent to the border and the more industrialized interior cities offers an incentive for further migration and many Mexican aliens are appearing in cities of the Chicago district.

The number of voluntary departures has increased considerably in recent years, from 8,594 in 1940 to 197,184 in 1948. The number of voluntary departures passed the 10,000 mark in 1943 and was almost triple that number in 1944.

In 1946 the number of voluntary departures passed 100,000 and is now close to 200,000. Approximately 95 percent of the voluntary departures for the fiscal year 1948 were by Mexicans. In 1946 and 1947 the percentages of voluntary departures were 90 percent and 94 percent Mexicans, respectively. Voluntary departure is granted illegal aliens in most cases on the Mexican border, because it facilitates the expulsion of aliens from the country, makes the problem easier for the control officers, and saves our Government money. It is to be noted that whenever an alien is deported under warrant, he is deported at Government expense. Voluntary departure, of course,

[7] For the number of apprehensions from 1938 to 1949, see appendix XIII, table 8, p. 915.

is granted only in cases where the alien is technically in this country in an illegal status.

The Immigration and Naturalization Service has provided special procedure with regard to voluntary departure on the international borders. Officers in charge may grant voluntary departure to an illegal alien, providing he is a citizen of either Canada or Mexico or is acceptable by one of those countries, and desires to depart immediately from the United States and, provided further, that the alien is willing and able to pay his own transportation expenses and will be admitted to the foreign country with little or no delay and that immediate departure of the alien without issuance of a warrant or without completion of proceedings on a warrant will be advantageous to the Government.

Deportation under warrant has increased from 6,954 in 1940 to 20,371 in 1948. The increase in deportations has been more gradual than the rise in the number of voluntary departures. There were 7,179 deportations in 1944 (4,971 Mexicans), 11,270 deportations in 1945 (9,510 Mexicans).[8]

The problem of illegal entries from Canada is not serious now, due to the fact that Canada has a fairly good economy and there is no great economic incentive for illegal entries. It was represented to the subcommittee, however, that the skeleton border patrol covering 4,000 miles of wide open Canadian border will be confronted in the immediate future by Europeans arriving in Canada who will seek to effect illegal entry into the United States. These prospective illegal entrants include an estimated 50 percent of the 175,000 to 200,000 persons who have immigrated to Canada in recent years and an additional number who will arrive as soon as transportation facilities improve.

Unless the present patrol on the Canadian border is supplemented with additional patrolmen in the immediate future, it is expected that the smuggling and illegal entry of aliens will show a considerable increase. There is also the fact that the lakes along the Minnesota boundary and the plains areas of the North Dakota boundary are wide open, offering an inviting opportunity for surreptitious entry.

Canada conditionally admitted approximately 175,000 to 200,000 European aliens, many of whom are displaced persons, for a period of 2 years to engage in agriculture, forestry, or mining, with the understanding that, if they remained in these industries for 2 years, they would be given a record of entry for permanent residence. Many of these aliens have already violated their contracts and have disappeared. It has been contended that some of these aliens have surreptitiously entered the United States.

During the fiscal year 1948, there were 4,362 aliens apprehended at the Canadian border, as compared to 2,474 apprehensions in 1943. There has been a falling off in work load on the Canadian border since the total number of people questioned in 1943 was over 1,150,000 and the total number questioned in 1948 was 952,704. Although the number of persons questioned has reduced considerably, the number of apprehensions has increased.

Although it appears that there might be a reduction in travel on the Canadian border, statistics on inward movement of aliens and

[8] Appendix XI, tables 5, 6, and 7, pp. 873-879 give the number of persons deported by cause and by countries to which deported.

citizens over the border show an increase. In 1943 there was an inward movement of over 5,500,000 aliens, rising to over 15,500,000 in 1948. The total inward movement of citizens was over 9,000,000 in 1943 and over 19,250,000 in 1948.

Deportations [9] and voluntary departures to Canada were very small, since approximately 90 percent of the cases were Mexicans.

b. Miscellaneous

(1) Officials of foreign governments and international organizations

In the cases of Government officials, international organization aliens, and aliens coming to the United States under the United Nations Headquarters Site Agreement, the approval of the Secretary of State must be obtained before deportation proceedings can be instituted.[10] Section 13 (b) (1) of the Headquarters Site Agreement provides that—

> No proceeding shall be instituted under such laws or regulations to require any such person to leave the United States except with the prior approval of the Secretary of State.

There is also provision for consultation between the Secretary of State and the chief of the delegation or the Secretary-General of the United Nations. Section 15 of the Immigration Act of 1924, as amended, contains a similar provision with reference to government officials and aliens attached to an international organization. The Immigration Service has no control of these aliens once they have entered the United States. The only inspection required for admission to the United States is for the purpose of identification; an immigrant inspector merely satisfies himself that the person in possession of a diplomatic visa or international organization visa is the one entitled to it.

There are cases of persons who are admitted as government officials but who no longer enjoy that privilege, but if a person is admitted as a government official, and he discontinues or terminates his service with that particular government, he is still considered a government official by the Immigration Service, and deportation proceedings cannot be instituted without the advance approval of the Secretary of State, even though the alien does not share the status under which he was admitted. As a general rule this type of alien communicates with the Department of State and asks the Secretary that he be classified as a political refugee. If it is found that he is a bona fide political refugee, the Political Division of the Department of State will recommend that he be so classified.

It was suggested that section 15 of the 1924 act be amended to read:

> Foreign governments recognized by the United States * * * shall be required to depart from the United States upon the failure of such alien to maintain the status under which admitted, and upon his failure to depart he shall be taken into custody and deported as provided for in sections 19 and 20 of the Immigration Act of February 5, 1917.

The person making this suggestion stated that the Secretary of State or the Department of State should have nothing to do with the enforcement of the immigration laws.

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[9] Appendix XI, tables 5, 6, and 7, pp. 873-879, give the number of persons deported by cause and by countries to which deported.

[10] For detailed discussion of, see ch.V, p. 511.

(2) Removal of distressed aliens

While not strictly a deportation procedure, there is a provision of law (sec. 23 of the 1917 act, as amended by the act of May 14, 1937) relating to the removal of distressed aliens. Any alien who at any time after entry into the United States falls into distress or is in need of public aid from causes arising after his entry may be removed to his native country, to the country from which he came, or to the country of which he is a citizen or subject, at the expense of the Immigration and Naturalization Service. The alien must file an application and appear for examination before an immigrant inspector, usually giving the reason or conditions that require him to seek public aid. When the examination and necessary investigation are completed, the examining officer makes a report of his findings, together with a recommendation, and the record goes to the district office for review. After review, it is sent to the central office; and, if it appears that the applicant is eligible, authorization for removal will be issued. Removal is usually effected in substantially the same manner as in the case of a deportee. The costs of transportation are paid by the Service.

An alien removed from the United States after May 14, 1937, is forever ineligible for readmission to the United States, except upon approval of the Secretary of State and the Attorney General. This bar applies to both immigrants and nonimmigrants, except foreign government officials who are not required to obtain approval. An alien removed prior to May 14, 1937, is not required to obtain approval for readmission, since the amendment of that date was not retroactive.

No special form is prescribed for the application for permission to reapply for admission after removal. At any time after the alien's departure he may apply by letter addressed to both the Secretary of State and the Attorney General. The application must be delivered to the American consul where the alien intends to apply for a visa. If no consul is available, then the application should be mailed to the Commissioner of the Immigration and Naturalization Service or to the officer in charge at the port of entry where the alien wishes to enter the United States. Applications that are received in the field are forwarded to the central office and those received by a consular officer are sent to the State Department. Joint approval by the Attorney General and the Secretary of State is necessary, and, if either one refuses to approve, the request is denied. Approval is discretionary, and each application is considered on its own merits.

(3) Judicial recommendations and pardons

(a) Recommendation of court or judge

An alien is not deportable for having been convicted and sentenced for a crime involving moral turpitude if the court or sentencing judge recommend, within 30 days after passing sentence, to the Attorney General that the alien be not deported because of the crime. [11]

A representative of the Immigration and Naturalization Lawyers' Association stated:

> Attention is called to the present law which requires that a judicial recommendation against deportation be made within 30 days after sentence. Many criminal lawyers and many courts are unaware of this time limitation, and the result is that the provision is seldom considered. We believe that the court sentencing

[11] Sec. 19 of the Immigration Act of 1917, 39 Stat. 874.

the alien should have the right to recommend against deportation at any time. The sentencing judge is most qualified to know the gravity of the alien's offense, and he should have the power to mitigate the punishment by not requiring the alien's banishment from the United States.

(b) Executive clemency

An alien convicted in the United States of a crime involving moral turpitude is not deportable because of such crime if he has been granted a full pardon. A pardon by the President of the United States for an offense against the laws of the United States or by the governor of the State for an offense against the State removes the cause for deportation. A foreign pardon does not affect deportation. In this connection, the representative of the Immigration and Naturalization Lawyers' Association stated:

> In the days of unrestricted immigration, foreign countries attempted to dump their criminals on our shores. Foreign pardons were granted to facilitate an alien's entry into the United States. As a result, a curious situation developed. A domestic pardon is recognized as effective to wipe out crime prior to entry, whereas a foreign pardon is of no avail even though it were granted because an alien was innocent of any wrong doing. To eliminate this injustice and to protect the United States at the same time, we propose that a foreign pardon granted in good faith be recognized for immigration purposes.

The opposing position was taken by an official of the Immigration and Naturalization Service:

> In cases where there has been a criminal ground of deportation, we have a request for a pardon, and the alien stays until that pardon application is completed. Sometimes pardon applications are a source of long delay. Then, if all those barriers fall and the alien has no other resort, we have a private bill. Consideration might be given to the proposition as to whether or not it is good policy to grant an alien of a criminal class, who has been convicted, exemption from deportation because of a pardon which is merely the grant of executive clemency. In this respect, he would distinguish between a pardon based on the innocence of the convicted person and the pardon which is merely an act of clemency.

There also exist the so-called legislative pardons under which an alien is pardoned by operation of law in several States after completion of his sentence.

(4) The problem of the undeportables

One of the most serious problems with which the Immigration and Naturalization Service is faced is the disposition of aliens found deportable by the Service but who cannot be deported. The latest statistics show that there are 3,600 nonenforceable deportation orders, of which 1,365 involve Russians. The nature of the problem was described by Immigration and Naturalization Service in its 1948 report:

> Following an order of deportation a passport or other travel document must be procured for the alien in order for him to enter the country to which he is to be deported. Request is made by the field office of the nearest consular office of the country concerned. If unsuccessful, the matter is referred to the central office for further action. If it appears that nationality has been determined, the case is referred to the State Department for the purpose of making representations to the home authorities of the country concerned requesting the issuance of a travel document. If unsuccessful in such requests, the alien cannot be deported.

It may be readily seen that this is an alarming situation. As one writer stated in a recent article,[12] if Russia or any other country landed a planeload of aliens in the United States, such country would have every assurance that the aliens could roam the country at will in a

[12] Joseph A. Dear, Our Deportation Dilemma, Plain Talk, June 1949, p. 1.

very few months. All the country has to do is refuse to issue passports and the aliens cannot be deported.

The most important proposal to remedy this situation is the so-called Hobbs bill (H. R. 10), whose principal provisions are:

1. Country of deportation: While under existing law a deportable alien can be deported only to the country from which he departed or the country of his citizenship or last foreign residence, this bill would authorize the Attorney General, within his discretion, to deport an alien to any country which will agree to accept him into its territory.

2. Supervision: Aliens against whom a warrant of deportation has been outstanding for more than 6 months would be subject to supervision pending eventual deportation. Such alien would have to report regularly to the Immigration and Naturalization Service; would have to give information under oath as to his circumstances, habits, associates, and activities; would have "to conform to such reasonable written restrictions on his conduct or activities as are prescribed by the Commissioner of Immigration and Naturalization in his case."

3. Detention: The Attorney General would have the authority, in his discretion, to order the indefinite detention, pending eventual deportation of a deportable alien, regardless of the charge in the warrant of deportation, who entered the United States within the last 10 years; and, without this time limitation, of any alien who is deportable as being subversive, criminal, or mentally or physically deficient.

4. Inapplicability of Administrative Procedure Act: The major provisions of the Administrative Procedure Act would be made inapplicable to the administration of immigration and nationality laws.

Many officers of the Immigration and Naturalization Service and other individuals have suggested some such remedy for the situation. Although in hearings on this bill before a subcommittee of the House some witnesses denounced the bill as a "concentration camp" bill, none offered any alternative or suggested any means or method of finding a solution to the problem. A State Department official suggested some method of requiring guaranties for a nonimmigrant that he will be taken back in the event he becomes deportable. As for the cases of immigrants, he believes that some system of international agreements could be worked out with other countries whereby a person who has come to this country from those countries or has gone from the United States to those countries would be accepted back, regardless of any nationality status.

An officer of the Immigration and Naturalization Service stated that it might be advisable to consider the possibility of making an illegal status in this country, as it is in some other countries, an offense subject to a criminal penalty. He stated that in most countries illegal entry or overstay of legal entries results in the alien being sent to jail.

Another Immigration and Naturalization Service official testified that the phrase "detention" is repugnant to our system of government. He suggested reestablishment of the wartime rule under which no foreign-born person could be employed in certain factories or certain types of work. He stated that a law denying certain types of work to aliens who have been ordered deported would make it so economically difficult for those aliens that they would attempt to return to their own country by procuring the necessary documents themselves.

Another suggestion with reference to this problem has been furnished by a consular official who stated that—

> The efforts of the Embassy here through the Polish Ministry of Foreign Affairs have been entirely negative and show that the Polish Government has no desire of authorizing the return to Poland of Polish citizens whom our immigration authorities may wish to deport. The Ministry has been most uncooperative,

and indications are that no change should be anticipated in the foreseeable future. It is clear that the Polish Government is not willing to accept its citizens as deportees, except those of certain political views or those who may be in sympathy with the present regime.

Under the existing immigration laws and regulations, there appears to be no possibility of taking measures or steps which might cause the Polish Government generally to accept its citizens as deportees. The Polish Government is mentioned in this report because of the fact that the experiences of the Embassy have been with the authorities here, but the immigration authorities have doubtless encountered trouble with other governments and their representatives in the United States in this matter of deportation.

It seems entirely illogical that the United States immigration authorities should be compelled to admit the citizens of certain countries as immigrants or nonimmigrants, knowing that at some future time it may not be possible to deport any of these citizens if the necessity should arise. With regard to the Polish Government, it is also unwilling to accept the return to Poland of persons who have become public charges within 5 years after their entry as immigrants.

Under the circumstances, it would appear desirable for the subcommittee to consider and perhaps suggest an amendment to the immigration laws which would enable the Department of Justice in agreement with the Department of State to suspend entry into the United States of certain nationals as immigrants or nonimmigrants until such time as the government against which the action is taken modifies its attitude in the matter of accepting its citizens as deportees. The very fact that such a law exists would doubtless cause foreign governments to be more reasonable on this question.

Hearings with reference to the Hobbs bill, were held by a subcommittee of the House Judiciary Committee. The Commissioner of Immigration and Naturalization read to the committee a statement of the Attorney General strongly urging "the enactment of this measure, which, it is firmly believed, will render more effective the function of the Department of Justice in the field of alien control." The Attorney General stated that as of April 15, 1949, there were 3,278 warrants of deportation that were not enforceable. Of the aliens covered by these warrants, 2,147 were so-called iron-curtain nationals, including 1,180 Russians. Of the 3,278 deportation orders, 1,293 were based on criminal or immoral charges and 112 were issued under the act of October 16, 1918, as amended, which relates to subversive classes.

The only nongovernmental witness appearing before the committee was the executive secretary of the American Committee for the Protection of the Foreign Born. He read a prepared statement contending that H. R. 10 "is an attack on the traditional American right to bail," and that it "would destroy the democratic concept of no imprisonment without trial by making possible the life imprisonment without trial of certain noncitizens."

A joint statement strongly critical of the provisions of H. R. 10 has been filed by the American Civil Liberties Union and Americans for Democratic Action. The Association of Immigration and Nationality Lawyers, in a memorandum inserted in the Congressional Record by Representative William A. Barrett of Pennsylvania, attacked the bill as unconstitutional. Whether or not the Hobbs bill would be a solution to this situation is problematical. It is a difficult problem and it would seem that such a situation whereby the United States finds itself helpless to rid itself of undesirable aliens is a threat to our sovereignty.

(5) Aliens subject to political persecution

Another problem that arises in connection with the expulsion of deportable aliens, arises in the cases where a claim of political perse-

cution is advanced. The general policy is that when there is reason to believe that political persecution will result if an alien is deported, deportation is withheld. There is no statutory right of asylum in the United States but it is the policy not to deport an alien who would be subject to political persecution in the country to which he is to be deported. What is generally done is to withhold the entering of an order of deportation and give the alien 1 year in which to depart voluntarily, subject to renewal for further extension at the end of that year. It is estimated that there are 40 to 50 such cases but no great increase is anticipated, because section 4 of the Displaced Persons Act would take care of those who came into the United States prior to April 1, 1948. The State Department has the same policy with reference to diplomats. The Department will not give its consent to the deportation of a diplomat if he is likely to be persecuted.

(6) Private bills

Many private bills are introduced into the Congress from year to year for the benefit of aliens who have become subject to deportation for violation of the immigration laws. It has been the custom of the Immigration and Naturalization Service to suspend any further deportation proceedings in the case of any alien for whose benefit a private bill has been introduced. It has been suggested that the same rule be applied as is applied to 19 (c) cases whereby, if Congress does not affirmatively approve suspension of deportation, the alien is deported.[13]

C. Immigration Bonds

1. GENERAL

The Immigration and Naturalization Service approves and accepts thousands of bonds annually totaling millions of dollars in face value. The most common types of bonds are those to insure that aliens admitted temporarily into the United States will comply with the conditions of their admission, those to insure that aliens will not become public charges in the United States, and those to insure that aliens who are at large during deportation proceedings will appear when wanted. Another type of bond is one to insure the payment of fines assessed against vessels or transportation companies for some violation of the immigration laws before clearance for the vessel to depart is granted.

2. BOND REQUIREMENTS

a. Admission

Before admitting an alien to the United States a bond may be exacted for (1) aliens returning, after a temporary absence, to an unrelinquished domicile in the United States of seven consecutive years; [14] (2) aliens excludable as likely to become public charges, or because of physical disabilities other than tuberculosis or a loathsome or dangerous contagious disease; [15] (3) inadmissible aliens who are granted temporary admission; [16] (4) nonimmigrant aliens entering temporarily for business or pleasure; transit aliens; aliens in transit from one part of the United States to another, treaty traders and their

[13] For further discussion on private bills, see ch. VI, p. 607.
[14] 7th proviso to sec. 3, act of February 5, 1917, 39 Stat. 874; 8 CFR 132.1.
[15] Sec. 21, act of February 5, 1917; 8 U. S. C. 158; 8 CFR 110.20.
[16] 9th proviso to sec. 3, act of February 5, 1917; 8 U. S. C. 136; 8 CFR 132.2.

families; contract laborers, and students;[17] (5) the wife or minor child of a naturalized citizen or resident alien where hospital treatment is given;[18] (6) an unaccompanied child under 16 years of age, whose admission has been authorized by the Commissioner or the Board of Immigration Appeals under a bond that the alien child will attend school and will not become a public charge;[19] (7) aliens needed as witnesses and whose deportation has been stayed for testimony in behalf of the Government in prosecution of offenders against any law of the United States;[20] and (8) a person who claims United States nationality and who holds a certificate of identity as such.[21]

b. Extension of stay

Under recent regulations relating to visitors, an extension of stay may be granted and a bond may be required in the discretion of the district director where the visitor is to remain in the United States for a period not exceeding 1 year. If the extension authorizes the visitor to remain here more than 1 year after arrival, a bond must be furnished.[22]

c. Change of status

When a change of status is authorized from one nonimmigrant category to another (except in the case of an alien becoming a Government official or international organization employee) a bond may be required to insure that the alien will depart from the United States when his time expires or upon his failure to maintain the specific new status required.[23]

d. Deportation proceedings

Any alien taken into custody in deportation proceedings may be released under bond on condition that he will appear for hearing when requested and for deportation if he is found to be unlawfully in the United States.[24]

e. Exclusion proceedings

There is no provision in the immigration law for releasing under bond a detained alien who applies for admission. If an excluded alien's deportation cannot be effected and it becomes necessary to parole him he may be released under appropriate safeguards including the exaction of a bond.

f. Blanket bonds

When the admission of a group of aliens is requested and a bond is required as a condition of admission, a blanket bond may be furnished instead of individual bonds. Such bonds are usually furnished for aliens desiring hospital treatment, aliens in transit, aliens applying for admission as members of theatrical organizations or for employment in expositions, or for reception in institutions of certain benevolent and fraternal organizations. This type of bond is usually required prior to the arrival of such aliens.

[17] Sec. 15, act of May 26, 1924, 43 Stat. 153; 8 U. S. C. 215; 8 CFR 119.3; 118.4, 124.3, 124.7, 124.8, 125.3.
[18] Sec. 22, act of February 5, 1917; 8 U. S. C. 159; 8 CFR 140.12, 140.13.
[19] Sec. 3, act of February 5, 1917; 8 U. S. C. 136.
[20] Sec. 18, act of February 5, 1917, 8 U. S. C. 154; 8 CFR 154.1.
[21] Sec 503, act of October 14, 1940, 8 U. S. C. 903; 8 CFR 112.2.
[22] 8 CFR 110.4.
[23] 8 CFR 110.31.
[24] 8 CFR 150.5.

g. Bond to secure payment of a penalty

No vessel or aircraft may be granted clearance pending the determination of liability to payment of a fine,[25] except that such clearance may be granted by depositing with the Collector of Customs a sum equal to the amount of the fine or a bond sufficient to secure payment of the fine if it is imposed.[26]

h. Amount of bonds

A schedule of the amount of bonds required in various proceedings is as follows:

1. For release in deportation proceedings.[27]

(*a*) Chinese and Japanese cases, $1,000.

(*b*) Aliens deportable as members of the following classes, $1,000: (1) Entered through foreign contiguous territory; (2) previously arrested or excluded and deported; (3) criminal, immoral, or subversive; (4) ineligible to citizenship; and (5) native of barred zone.

(*c*) All others, $500.

2. Visitors and treaty traders, not less than $500.[28]

3. Aliens in transit, not less than $500.[29]

4. Nonimmigrant student laborers, not less than $500.[30]

5. Hospital bonds, not less than $500.[31]

6. Immigrant students, not less than $150.[32]

7. Physical defectives and persons likely to become public charges, not less than $1,000.[33]

8. Blanket departure bonds, a fractional amount of the total but with a penal sum of not less than $500 for each alien.[34]

i. Forfeiture

When any of the conditions of the bond have not been complied with, the bond may be declared breached and a demand made for payment. If payment is not made, the necessary court action must be instituted to compel payment. Every reasonable opportunity is given to a surety to comply with the terms of the bond before it is declared breached.

j. Cancellation

1. Departure bonds become void upon the alien's departure from the United States in accordance with the terms of his temporary admission, provided he has maintained the status under which admitted.

2. Public charge bonds are conditioned that the alien shall not become a public charge as long as he remains in the United States. If the alien does not become a public charge, the bond becomes void upon the permanent departure, naturalization, or death of the alien.[35]

3. Delivery bonds become void if the alien is produced when wanted for hearing or when wanted for deportation if he is finally found to be unlawfully in the United States.[36]

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[25] Secs. 7, 9, 14, 18, 20, act of Feb. 5, 1917, 39 Stat. 874; secs. 16 (b), 20 (a), act of May 26, 1924, 43 Stat. 153.
[26] 8 CFR 160.14.
[27] 8 CFR 150.5 (c).
[28] 8 CFR 119.3 (f); 8 CFR 121.3 (c).
[29] 8 CFR 118.4.
[30] 8 CFR 124.7.
[31] 8 CFR 132.2.
[32] 8 CFR 125.3 (f).
[33] 8 CFR 110.20.
[34] OI 700.1.
[35] Sec. 20, act of February 5, 1917; 8 U. S. C. 158; 8 CFR 110.21.
[36] Sec. 20, act of February 5, 1917; 8 U. S. C. 156.

4. Any bond may be canceled upon a showing that it should no longer be required, as in the case of an alien admitted under a public charge bond who becomes clearly self-supporting.[37] A bond may also be canceled if none of the conditions have been violated and the alien has departed or has been deported from the United States, if the warrant of arrest or deportation has been canceled, if the alien has been granted suspension of deportation, if the alien has been imprisoned or has died, if the alien has become naturalized, or if a new bond has been furnished to take the place of the existing one.

k. Comment

There is no provision in the law authorizing American consuls to require the posting of a bond by alien applicants for either immigrant or nonimmigrant visas. Numerous suggestions have been received from consuls throughout the world that such authority be given. Others have suggested that consuls be given authority in doubtful or borderline cases to withhold the issuance of visas until confirmation has been received from the Immigration and Naturalization Service that a bond has been posted in the United States in behalf of the applicant and that such a procedure would materially reduce the number of nonimmigrant applicants for visas who are not bona fide nonimmigrants.

Similar suggestions were received from consuls with reference to applicants for visas who are applying for admission to the United States for permanent residence. The usual sponsor's affidavits are of no value if the immigrant alien becomes a public charge, since they involve merely a moral obligation and are not enforceable as contracts. In view of certain proposals to be made regarding the power of consuls to refuse visas in practically every case in which the Immigration Service has the right and duty to exclude, it is not believed that consuls will experience the same difficulties of decision in the future. Consequently, the subcommittee does not believe that the power to require bonds will be necessary to consuls.

An issue that involved considerable discussion before the subcommittee was the question of whether or not an excluded alien should be admitted under bond. It was contended by those in favor of authorizing admission that in many cases, aliens are held in detention for lengthy periods pending a final decision. They urge that such aliens should be allowed to enter the United States under bond until such final determination is made. A further contention is that an alien arrested in the United States is permitted release under bond in nearly every case until deportation proceedings are concluded and the same situation should prevail in exclusion cases. In opposition to such a proposal, it was stated that Congress has indicated certain classes of inadmissible aliens and to permit them to enter the United States under bond would bring about the very thing that Congress intended should not be done. For many years, in cases of extraordinary hardship, aliens have been paroled into the United States under safeguards, pending a final decision on the excluding order.

The subcommittee is of the opinion that no change should be made in the procedure respecting admission under bond in exclusion cases. It is held that the present schedule of bonds is adequate. The whole question of bonds and procedures should be left to the sound discre-

[37] 8 CFR 110.21.

tion of the Commissioner of the Immigration and Naturalization Service.

l. Recommendations

It is recommended that the revised law contain provisions which permit the release or admission of aliens under bond in the discretion of the Commissioner. It is further recommended that no change be made which would permit an excluded alien to be admitted under bond.

D. Immigration Offenses

1. PURPOSE AND CLASSIFICATION

The exclusion and deportation statutes accomplish the basic purposes of our immigration laws to keep out of the United States aliens who should not be admitted and to deport those who enter the United States or remain here contrary to law.

In order to strengthen materially the effective administration and execution of the immigration laws, there are many provisions which involve penalties designed to aid in their enforcement. The smuggling of aliens into the United States, perjury and fraud practiced in entering the United States, and the bringing of inadmissible aliens to the United States by transportation companies are among the many violations for which Congress has provided penalties in addition to exclusion or deportation.

Penal provisions now in force may be divided into three classes: (1) Penalties imposed judicially for the commission of crimes; (2) penalties recoverable in civil judicial proceedings; and (3) penalties recoverable in administrative proceedings.

2. PENALTIES IMPOSED JUDICIALLY FOR THE COMMISSION OF CRIMES

a. Illegally importing, landing, or harboring aliens

(1) Smuggling and harboring smuggled aliens

The most important and the most used penal provision of the immigration laws relating to the smuggling of aliens and the harboring of smuggled aliens is section 8 of the Immigration Act of 1917.[38] This section covers all phases of smuggling and makes it a misdemeanor for any citizen or alien to bring into or assist in bringing into the United States by any means, or to conceal, harbor, or attempt to do so, any alien not duly admitted or not lawfully entitled to enter the United States. The punishment is a fine not to exceed $2,000 and imprisonment for not more than 5 years for "each and every alien so landed or so brought in or attempted to be landed or brought in." It was contended that this language does not prescribe a penalty for the illegal harboring of aliens as distinguished from the illegal bringing into the United States of aliens. This view was accepted by the United States Supreme Court which held that the deficiency in the statute could not be supplied.[39]

(2) Importing prostitutes

Section 4 of the Immigration Act of 1917 [40] is directed against one who assists in bringing to this country aliens of the immoral class. The

[38] 39 Stat. 874; 880; 8 U. S. C. 144.
[39] *United States* v. *Evans*, 333 U. S. 483 (1948).
[40] 39 Stat. 874, 878-879; 8 U. S. C. 138.

section makes it a felony for anyone to import or attempt to import an alien for the purpose of prostitution or for any other immoral purpose. It is also a crime for anyone to hold any alien for such purposes in pursuance of such illegal importation or to keep an alien so brought into the United States in a house of prostitution. Since this is considered a more serious offense than that described in section 8, the penalty imposed is imprisonment for not more than 10 years and a fine of not more than $5,000.

(3) Aiding radicals to enter the United States

Section 28 of the act of 1917 [41] makes it a felony for anyone knowingly to aid or assist an anarchist or other of the radical group, including those who believe in or advocate the forceful overthrow of the Government of the United States, to enter the United States or to conspire or connive with another to aid or permit an alien of this class to enter the United States. The penalty is a fine of not more than $5,000 or imprisonment for not more than 5 years, or both. This section makes it a misdemeanor for anyone knowingly to aid an alien who advocates or teaches the destruction of property to enter the United States. The penalty is a fine of $1,000 or imprisonment for not more than 6 months, or both.

(4) Improper landing of aliens by carrier from Canada or Mexico

The first proviso to section 23 of the Immigration Act of 1917 requires transportation lines engaged in carrying alien passengers from Canada or Mexico to the United States, either by land or water, to provide suitable landing stations conveniently located at the point or points of entry. Any transportation line which fails to comply is considered to have violated the provisions of section 8 of the 1917 act, previously discussed.

b. Illegal inducements and solicitations

(1) General

The penal provisions in this category are rarely violated today and are of comparatively little importance. The first attempt of Congress to prevent the importation of cheap labor was not by excluding aliens who were coming to the United States pursuant to a contract of employment but by a law which made it a crime for anyone to import or bring into the United States contract laborers. The following provisions of law are interesting historically even if they are not important today from the standpoint of the number of violations. The purpose was to reduce, numerically, immigration of the cheap laboring class to the United States.

(2) Importing contract laborers

A contract laborer, described in section 3 of the Immigration Act of 1917 [42] is inadmissible to the United States. As a further means of preventing aliens of this class from entering the United States, section 5 of the Immigration Act of 1917 [43] makes it unlawful to encourage aliens to come to the United States by an offer of employment unless the alien is admissible to the United States notwithstanding such offer. Either of two penalties may be imposed. A civil

[41] 39 Stat. 874, 895; 8 U. S. C. 163.
[42] 39 Stat. 874, 875–878; 8 U. S. C. 136.
[43] 39 Stat. 874, 879; 8 U. S. C. 139.

penalty of $1,000 may be collected in judicial proceedings for each offense or the person violating the section may be criminally prosecuted for a misdemeanor and punished by a fine of not more than $1,000 or imprisonment for not less than 6 months nor more than 2 years.

(3) Foreign advertisements for laborers

Supplementing section 5, just discussed, section 6 of the Immigration Act of 1917 [44] makes it unlawful to advertise abroad for labor to come to the United States. The civil or criminal penalty prescribed by the above section 5 is applicable.

(4) Inducement or solicitation of immigration

Section 7 of the Immigration Act of 1917 makes it unlawful for any person or organization engaged in transporting aliens to or within the United States in any way to encourage any alien to come to the United States. A civil or criminal penalty, or both, prescribed in section 5 is applicable. Since the quota-limitation acts, the practical need for this section has disappeared.

c. Illegal entry

(1) Introduction

The foregoing provisions of law are all aimed at persons, citizens or aliens, individuals or corporations, bringing aliens to the United States illegally, inducing aliens to come to the United States, or harboring aliens in the United States after having brought them in contrary to law. Insofar as these sections are concerned, the alien who may have entered the country in violation of law is not himself criminally responsible although others may be criminally prosecuted because of such illegal entry. The following provisions of the immigration statutes impose criminal penalties on an alien for illegally entering the country or for other unlawful acts concerned with an effort to enter illegally:

(2) Illegal entry

Section 2 of the act of March 4, 1929,[45] makes it a misdemeanor for any alien to enter the United States at other than the place designated by immigration officials, to elude inspection, to obtain entry by willfully, false, or misleading representations, or by willful concealment of material facts. The penalty is imprisonment for not more than 1 year or a fine of not more than $1,000, or both. This was the first provision of law which made the act of illegally entering the United States a criminal offense and is the most widely used of all the criminal provisions of the law.

(3) Illegal entry after deportation

While section 2 of the act of March 4, 1929, makes every illegal entry of an alien a misdemeanor, section 1 of the same act [46] makes it a felony for any deported alien who has not received permission to reapply for admission to enter or attempt to enter the United States. The penalty is imprisonment for not more than 2 years or a fine of not more than $1,000, or both, provided a different penalty is not

[44] 39 Stat. 874, 879; 8 U. S. C. 142.
[45] 45 Stat. 1551; 8 U. S. C. 180 (a).
[46] 45 Stat. 1551; 46 Stat. 41; 8 U. S. C. 180.

expressly provided by law. The proviso here is added so that there will be no conflict with the following two provisions of law.

(4) Reentry of aliens deported as prostitutes or on like grounds

The previous discussion of section 4 of the Immigration Act of 1917 [47] was confined to the importation of aliens for prostitution and other immoral purposes. The same section also provides that any alien who, after deportation as a prostitute, procurer, or on other like grounds, thereafter enters the United States or attempts so to enter, is guilty of a misdemeanor and is punishable by imprisonment for not more than 2 years. Imprisonment is the only punishment, while a fine without imprisonment may be imposed for violation of the act of March 4, 1929.

(5) Reentry of aliens deported as radicals

Also punishing the alien for entry or attempting entry after exclusion or deportation for specific reason is section 3 of the act of 1918, which makes it a crime for an alien who has been excluded or deported as a radical under the act of 1918 [48] thereafter to reenter the United States or attempt to do so. This is a felony and the punishment is imprisonment for a term of not more than 5 years.

d. False statements and fraudulent documents

(1) Introduction

The right of an alien to enter the United States today is determined in great measure by documents. The authentic nature and genuineness of such documents must be protected and it is, therefore, appropriate that false statements in documents be punished as a crime. Likewise, the usual weight which may be accorded a sworn statement can only be measured by making false testimony under oath a crime. The following penal provisions of law have been provided for these purposes.

(2) Perjury

Section 16 of the act of February 5, 1917, authorizes immigrant inspectors to administer oaths and to take evidence touching the right of any alien to enter, reenter, pass through, or reside in the United States. It then provides that any person to whom such an oath has been administered who knowingly or willfully gives false evidence or swears to any false statement in any way affecting, or in relation to, the right of any alien to admission, readmission to, or to pass through or reside in the United States, shall be deemed guilty of perjury and punished as provided in the statute [49] which defines perjury and prescribes the punishment therefor as a fine of not more than $2,000 and imprisonment for not more than 5 years.

(3) False personation

Section 22 of the Immigration Act of 1924 covers many offenses in conjunction with obtaining and using immigration visas and other documents required by the immigration laws. Forging or counterfeiting immigration visas or permits; using or attempting to use a forged, counterfeit, or altered document; unlawfully possessing any

[47] 39 Stat. 874, 878-879; 8 U. S. C. 138.
[48] Sec. 3, act of October 16, 1918, 40 Stat. 1012; 8 U. S. C. 137.
[49] Sec. 125 of the act of March 4, 1909, 35 Stat. 1111; 62 Stat. 773, 18 U. S. C. 1621.

blank permit; engraving or possession of plates for the printing of permits; in any manner making an impression or likeness of an immigration visa or permit; or having in one's possession distinctive paper adapted for the printing of immigration visas or permits are made offenses. The same section also makes it a crime for any individual, when applying for an immigration visa or permit or for admission to the United States, to personate another, to evade or attempt to evade the immigration laws by appearing under an assumed name, or to dispose or to offer to dispose of immigration visas or permits to anyone not authorized by law to receive such documents. A false statement under oath in any application, affidavit, or other document required by the immigration laws or regulations is likewise made an offense. Each of these offenses is punishable by a fine of not more than $10,000 or imprisonment for not more than 5 years, or both. While this section particularly refers to offenses in relation to documents required by the Immigration Act of 1924, it is not limited to such act. It is an offense to personate another when applying for admission to the United States and it has been held that the crime may be committed by improperly using a passport.[50]

e. Special offenses

(1) Alien registration violations

The Alien Registration Act of 1940 [51] contains certain penal provisions to aid in its proper enforcement. Any alien who is required to be registered and fingerprinted, or any guardian who is required to register any alien and who willfully fails or refuses to make application for registration, either on behalf of himself or his ward, is subject to a fine of not more that $1,000 or imprisonment for not more than 6 months, or both. Failure to give written notice of change of address required by the Alien Registration Act subjects the offender to a fine of not more than $100 or to imprisonment for a term of 30 days, or both. The making of a false statement in an application for registration known by the alien or legal guardian to be false, or the procurement or attempt to procure registration by fraud, is punishable by a fine of not more than $1,000 or imprisonment of not more than 6 months, or both. An alien convicted of these offenses within 5 years after entry into the United States is thereby subjected to deportation.

The act of October 13, 1941,[52] amended the Alien Registration Act by making it an offense to photograph, print, or in any manner make, or execute, any engraving, print, or impression in the likeness of an alien registration receipt card without proper authorization. The penalty upon conviction is a fine not to exceed $5,000 or imprisonment for not more than 5 years, or both.

(2) Assaulting immigration officers

Section 16 of the act of 1917 provides that anyone who assaults or interferes with an immigration official in the performance of his duty is guilty of a misdemeanor and is punishable by imprisonment for not more than 1 year or by a fine of not more than $2,000, or both. Where this offense is committed by the use of a deadly or dangerous weapon, the offender is guilty of a felony and is punishable by imprisonment of not more than 10 years.[53]

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[50] *United States* v. *Monyas*, 42 F. 2d 743 (1930).
[51] Sec. 36, act of June 28, 1940; 54 Stat. 670; 55 Stat. 736; 8 U. S. C. 457.
[52] 55 Stat. 736; 8 U. S. C. 457.
[53] Sec. 16, act of February 5, 1917; 39 Stat. 874, 885-887; 8 U. S. C. 152.

(3) Conspiracy

The conspiracy section of the Penal Code, section 37, can frequently be utilized effectively concerning conspiracies to violate various provisions of the immigration laws. This is particularly true in relation to conspiracies to violate section 8 of the act of 1917. Punishment is a fine of not more than $10,000 or imprisonment of not more than 5 years, or both.[54]

(4) Stowaways

While not strictly an immigration offense, the act of June 11, 1940,[55] makes it a misdemeanor for any person to stow away on a vessel or to assist another to do so. It applies to both citizens and aliens and covers those who stow away on vessels either in the United States or out of the United States if the vessel later enters the United States. Punishment is a fine of not more than $500 or imprisonment for not more than 1 year, or both.

The Act of March 4, 1944,[57] also not strictly an immigration law, provides in part that any person, citizen or alien, who stows away, either on certain privately owned aircraft or certain aircraft owned by the United States Government, shall be subject to a fine of not over $1,000 or imprisonment of not over 1 year, or both.

(5) Unauthorized landing of aliens

Section 10 of the Immigration Act of 1917, requires a transportation line to prevent the landing of aliens, except seamen, at a time or place other than as designated by immigration officials. The owner, master, officer, or agent who fails to do so is deemed guilty of a misdemeanor and is punishable by fine in each case of not less than $200 nor more than $1,000 or by imprisonment for a term not exceeding 1 year, or both. If, in the opinion of the Attorney General, it is impracticable or inconvenient to prosecute, such person is liable to a civil penalty of $1,000, which is a lien on the vessel. The requirement that the Attorney General must decide whether a criminal proceeding is to be instituted or a suit to recover the civil penalty filed, has given rise to a distinctive proceeding. When it has been ascertained by a field officer of the Service that perhaps there has been a violation of section 10, notice is served upon a person named in the section that it is proposed to recommend to the Attorney General that a prosecution be brought and 60 days is given to show why proceedings should not be instituted or why a criminal action should be brought rather than a civil proceeding.[58] The Attorney General has delegated to the Board of Immigration Appeals the power to act for him in this regard.[59] On the basis of the reply made to the notice and of a report made by the field office, a decision is reached by the Board of Immigration Appeals whether it appears that a violation of law occurred and if so, whether to prosecute criminally or civilly. Thereafter, the case is handled through the Office of the Assistant Attorney General in charge of criminal prosecutions. In the civil proceedings, the penalty is $1,000, no more, no less. In the criminal prosecution, the range of the penalty is from $200 to $1,000 with a possible prison sentence up to 1 year.

[54] Sec. 37, act of March 4, 1909; 35 Stat. 1088; 62 Stat. 701, 18 U. S. C. 172.
[55] Secs. 2, 3, act of June 11, 1940; 54 Stat. 306; 18 U. S. C. 2199.
[57] 58 Stat. 111; 18 U. S. C. 2199.
[58] 8 CFR 168.13.
[59] 8 CFR 90.3.

f. Jurisdiction and venue

The district courts of the United States have original jurisdiction of all causes, civil and criminal, arising under the provisions of the immigration laws. In general, the prosecution of crimes in the Federal courts is governed by the Federal Rules of Criminal Procedure (18 U. S. C. A., following sec. 687), effective March 21, 1946. Section 25 of the 1917 act provides that prosecutions or suits for violations of the immigration laws may be instituted at any place in the United States at which the violation may occur or at which the person charged with the violation may be found. The section is rarely invoked and it is the general rule that violations must be prosecuted in the judicial district in which the offense was committed.[60] An exception to this may be found in section 4 of the 1917 act,[61] involving importation of aliens for an immoral purpose where the accused may be tried in any district in which a violation of any of the provisions of that section occurs.

3. CIVIL PENALTIES IMPOSED JUDICIALLY

a. Failure to file certificate of foreign posting of immigration laws

Section 8 of the act of March 3, 1893,[62] requires transportation companies regularly engaged in bringing alien immigrants to the United States twice yearly to file a certificate with the Attorney General that they have furnished each of their agents abroad a copy of all immigration laws printed in the language of the country where the agent is located, to be exposed to view and to be called to the attention of all prospective immigrants. A penalty not exceeding $500 is imposed for violation of this section.

b. Signing on seamen to land illegally in the United States

Section 31 of the act of 1917 provides a penalty not exceeding $5,000 for knowingly signing an alien on the ship's articles with the purpose of landing him in the United States contrary to law or for falsely representing to an immigration officer that the alien is a bona fide member of the crew.

4. ADMINISTRATIVE PENALTIES

a. Classification

In addition to immigration penalties imposed in judicial proceedings either criminal or civil, there are those imposed through a proceeding which is entirely administrative. These penalties are against carriers or employees of carriers. The penalty in each case is a fine and it is for this reason that immigration administrative penalties are commonly referred to as fines. The statute vests in the Attorney General, rather than in the courts, the power to decide whether there has been a violation of law and whether a penalty has been incurred. Administrative penalties may be divided into three classes: (1) Fines for bringing aliens of certain prohibited classes to United States, (2) fines in the aid of orderly inspection of aliens, (3) fines for the protection of passengers traveling to the United States.

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[60] Rule 18, Federal Rules of Criminal Procedure (18 U. S. C. A., following former sec. 687).
[61] 39 Stat. 874, 878-879; 8 U. S. C. 138.
[62] 27 Stat. 569-571; 8 U. S. C. 172.

b. Penalties for bringing aliens of the excluded classes

(1) Bringing aliens unlawfully solicited to come to the United States

It was previously pointed out,[63] that anyone engaged in the business of transporting aliens to or within the United States, who solicited or otherwise encouraged any alien to come to the United States, is subject to either a criminal or civil penalty and, with reference to this offense, whether or not the alien is actually brought to the United States is immaterial. Section 7 of the 1917 act also provides that the owner, master, officer, or agent of a vessel which has brought to a port of the United States an alien solicited by any such persons to immigrate to the United States is subject to a penalty of $400 for each violation. Whenever it appears to the satisfaction of the Attorney General that the provisions of section 7 are being persistently violated by any carrier, he may deny to that carrier the privilege of landing alien immigrant passengers at United States ports for such a period as, in his judgment, may be necessary to insure an observance of the statute. Originally, this statute was designed to stop widespread and objectionable solicitation by steamship companies, but it is rarely violated today.

(2) Bringing aliens who are diseased, illiterate, or natives of the barred zone

Section 9 of the 1917 act contains most of the penalties for bringing aliens to the United States who are inadmissible under the provisions of the act of 1917. A fine of $1,000 is imposed on any carrier for bringing to the United States from either a foreign country or an insular possession of the United States any alien afflicted with idiocy, imbecility, feeble-mindedness, insanity, epilepsy, constitutional psychopathic inferiority, chronic alcoholism, tuberculosis in any form, or a loathsome or dangerous disease.

A fine of $250 is also imposed upon carriers for bringing aliens to the United States with physical defects of a nature which may affect their ability to earn a living or aliens who have mental defects other than those above enumerated.

A fine of $1,000 is imposed on carriers for bringing to the United States any alien who is inadmissible because he is unable to read or is a native of that part of Asia and adjacent islands commonly referred to as the "barred zone" from which immigration is prohibited.

In addition to the basic sum paid as a penalty, there is added a sum equal to that paid by the alien for his transportation from the port of departure to the port of arrival in the United States which sum is given to the excluded alien as compensation for a fruitless journey to the United States. Railway lines entering the United States from contiguous territory are exempted from these provisions.

For bringing diseased aliens, the statute provides that the penalty has been incurred if the alien was afflicted with the disease or disability at the time of foreign embarkation and that the existence of the disease or disability might have been detected by means of competent medical examination. In the case of illiterates or natives of the barred zone, the statute prescribes that the fine has been incurred

[63] See p. 645.

if it appears to the satisfaction of the Attorney General that the disability might have been detected by the exercise of reasonable precautions prior to the departure of the alien from a foreign port.

(3) Bringing aliens previously arrested and deported

A fine of $300 is imposed on any master, charterer, person in charge, agent, owner, or consignee who knowingly brings to the United States any alien who has been excluded from the United States or arrested and deported from the United States under any provision of law until such time as the alien may be lawfully entitled to reapply for admission to the United States.[64] The Government must prove that the carrier or other responsible person knowingly brought the inadmissible alien.

(4) Bringing aliens without proper immigration visas

Section 16 of the Immigration Act of 1924 deals with penalties for bringing aliens to the United States not in possession of documents required by that act. A fine of $1,000 is imposed for bringing any immigrant, except from foreign contiguous territory, who does not have an unexpired immigration visa or a quota immigrant who is specified as a nonquota immigrant in his immigration visa. In addition to the fine of $1,000, there is also imposed on the carrier a sum equal to that paid for the transportation of the alien to the United States, which is returned to the inadmissible alien. The statute provides that the penalties shall not be remitted or refunded unless it appears to the satisfaction of the Attorney General that the carrier or other responsible persons mentioned in the section prior to the departure of the vessel from the last port outside of the United States, did not know, and could not have ascertained by the exercise of reasonable diligence that the individual transported was an immigrant, if the fine is for bringing an immigrant without an immigration visa; or that the immigrant transported was a quota immigrant, if the fine is for bringing a quota immigrant who has a nonquota immigration visa.

c. Orderly inspection, detention, and deportation

(1) Failure to file manifests

Sections 12 and 13 of the Immigration Act of 1917 require manifests for alien passengers arriving in or departing from ports of the United States by vessel. Section 14 of the act of 1917 imposes a fine of $10 upon the master or commanding officer of any vessel bringing any aliens into or out of the United States who fails to deliver the manifests required by sections 12 and 13.

(2) Failure to manifest seamen

Section 36 of the act of 1917 describes the manifest required in the case of arriving alien seamen and requires notice to the immigration authorities of all changes in crew between the arrival and departure of the ship. Like section 14, it imposes a penalty in the sum of $10 for each alien concerning whom correct reports or manifests are not furnished as required by the statute.

d. Detention and deportation of excluded aliens

(1) Detention and deportation of excluded passengers

Section 18 of the act of 1917 requires that all excluded aliens shall be immediately deported on the vessels bringing them to the United

[64] Sec. 18, act of February 5, 1917; 39 Stat. 874, 887, 889; 45 Stat. 1551; 8 U. S. C. 154.

States or another vessel of the same line. It provides that the cost of maintenance while on land, as well as the expense of the return of such alien, shall be borne by the owner of the vessel on which the aliens arrived. Failure to deport or to pay detention expenses subjects the master, purser, person in charge, owner, or consignee of the vessel to a fine of $300 in relation to each excluded alien. The statute also provides a penalty of $300 where the transportation company accepts any guarantee to cover detention expenses and possible deportation charges in the event of exclusion.

(2) Failure to deport

Under section 20 of the 1917 act, transportation companies which have brought aliens to the Uhited States who have been regularly admitted are liable under certain conditions for the cost of deportation where proceedings are instituted within 5 years of the alien's arrival. A failure or refusal on the part of the master, agent, owner, or consignee of the vessel, to deport in accordance with this mandate of law, subjects him to a penalty of $300 for each violation.

(3) Detention and deportation of seamen

It was previously stated that section 10 of the act of 1917 imposes a civil or criminal penalty for permitting alien passengers to land without undergoing the required inspection. Section 20 of the 1924 act has a similar provision in regard to alien seamen. It is, however, broader in its scope. Unlike section 10, the penalty imposed under section 20 is administratively imposed. Section 20 provides that the owner, charterer, agent, consignee, or master of any vessel arriving in the United States from any place outside thereof, who fails to detain on board an alien seaman until inspected or who fails to detain such seaman on board after inspection and to deport if required to do so by the immigration officer in charge at the port of arrival, shall pay a penalty in the sum of $1,000 for each alien seaman in respect of whom such failure occurs. Proof that an alien seaman did not appear on the outgoing manifest of the vessel on which he arrived or that he was listed by the master as a deserter is a prima facie evidence of failure to detain or deport.

e. Penalties for the protection of passengers

In the last category of administrative fines is one for the protection of passengers on board vessels. Section 35 of the act of 1917 makes it unlawful for a vessel carrying passengers between a port of the United States and a foreign port to have employed on board an alien afflicted with idiocy, imbecility, insanity, epilepsy, tuberculosis in any form, or a loathsome or dangerous contagious disease, provided it appears to the satisfaction of the Attorney General from an examination made by a medical officer of the United States Public Health Service that the alien seaman was so afflicted at the time he was so shipped or engaged and taken on board the vessel, and that the existence of such affliction might have been detected by means of a competent medical examination performed at that time. The penalty for violating this section is $50 in regard to each afflicted seaman but the Attorney General has discretion to mitigate or remit the fine.

f. Procedure

Where an officer in charge of an immigration station believes that a violation of one of the fine provisions has occurred, it is his duty promptly to serve upon the master, agent, owner, or other responsible person a notice that the facts ascertained indicate a violation of law has occurred. This notice must set forth succinctly the nature of the violation with a citation of the statute alleged to have been violated. Pending the determination of liability to fine, the vessel is refused clearance unless a suitable deposit or bond covering the entire fine is given to the collector of customs of the district where the violation occurred. When the reply to the notice of intention to fine is filed with the district office (which is called the protest of the line) the entire record, including a report of the officer in charge concerning the facts of the alleged violation of law, is forwarded to the central office, and on this record, the Board of Immigration Appeals renders a decision whether a fine has been incurred and penalties should be imposed.

The procedure which is to be followed where a penalty is based upon the bringing to the United States of a diseased or afflicted alien has been previously discussed.[65] The medical evidence offered by the line in its protest, together with the medical reports of the Public Health Service, make up part of the record which is submitted to the Board of Immigration Appeals. The carrier may be represented by counsel or others in arguing the merits of its case before the Board of Immigration Appeals. If it is found that a violation of law has occurred, the collector of customs is notified through regular channels; he collects the fine from the carrier. If a cash deposit has been made, it is turned into the Treasury of the United States. If bond has been filed, suit may be had thereon upon failure of the carrier to promptly pay the penalty imposed.

If no fine is assessed, the collector of customs returns the deposit, if one made, or exonerates the bond as to the proceeding in question.[66]

5. COMMENTARY

a. Suggestions relating to criminal provisions

The testimony of witnesses and the comment received from field offices of the Immigration and Naturalization Service stressed certain sections of the present law, particularly those relating to illegal entry and smuggling of aliens. Most of the statements were devoted, not so much to the law itself, but to difficulties encountered in getting prosecutions and convictions, especially in the Mexican border area. It was stated that many flagrant violators of the immigration laws are not prosecuted or, if prosecuted, get off with suspended sentences or probation. Apparently, the reason for this is the fact that the aliens in most cases will be deported regardless of conviction and sentence, and the crowded conditions prevalent in most prisons and penitentiaries. On the other hand, in other sections of the country, particularly on the east coast, a number of alien smugglers were successfully prosecuted during 1949 and received appropriate sentences.

To enact legislation providing for a more severe penalty for illegal entry and smuggling, as suggested by many, would not solve the

[65] See p. 651.
[66] 8 CFR 160.1-160.19.

problem in the opinion of the subcommittee. If prosecutions and convictions are difficult to obtain under the present statutes, to increase the penalties thereunder would make them even more difficult to obtain. Since the situation appears to be a local problem and a question of administration of present statutes rather than a legislative matter, it is believed that it should be left to the proper authorities to work out some solution.

It was pointed out that section 8 forbids the concealing or harboring of aliens unlawfully entering the United States but fails to provide a penalty therefor. Numerous suggestions have been received that the deficiency in the present statute be supplied by appropriate legislation, including a provision that any vehicles or conveyances used in transporting aliens unlawfully be made subject to seizure.

The necessity of correlating the criminal provisions of the law received much comment. A good example of such correlation may be found in the act of March 4, 1929, and section 4 of the 1917 act. Both acts penalize a reentry after deportation but section 4 relates only to the reentry of persons deported as prostitutes or other immoral persons. It was suggested that one act would suffice for all persons who have been deported, regardless of the reason therefor, and that the present act of March 4, 1929, should be reenacted to cover any and all deportations.

A number of the criminal provisions are rarely violated today and have become more or less obsolete, especially since the passage of the 1924 act. It was suggested that such provisions as have no present value be repealed, including the clauses on inducement or solicitation of immigration, importing contract laborers, and foreign advertisements for laborers.

The subcommittee is aware of the fact that different sections of the country are not all faced with the same problems. Seaports of entry have difficulties not experienced at our land border points of entry. The subcommittee must concern itself with laws which apply equally to all sections of the country and accordingly such recommendations as will be made must provide generally applicable practice.

b. Suggestions relating to administrative penalties

Much of the comment received relative to the criminal provisions of the law applies likewise to the administrative penalties or fines. It was pointed out that with the passage of the act of 1924, providing for examination of aliens abroad and the requirement for visas, many of the present administrative fines are no longer necessary. These would include the requirement that transportation companies post copies of our immigration laws in all their foreign offices and the soliciting of aliens by transportation companies to come to the United States as passengers. It was also suggested that consideration be given to a revision of the statutes imposing penalties on transportation companies for bringing to the United States aliens who are found to be excludable upon arrival. It was stated that these statutes were enacted mainly because of the practice of bringing aliens to the United States in great numbers, regardless of the possibility of exclusion after arrival. Again the act of 1924 requiring examination abroad and possession of a visa prevents any wholesale abuses.

6. RECOMMENDATIONS

In the consideration of any revision or amendments to the criminal provisions of the immigration law, it must be borne in mind that the new title 18 of the United States Code was enacted June 25, 1948 (Public Law 772, 80th Cong., 62 Stat. 683). This law repeals numerous statutes and parts of statutes relating to crimes and criminal procedure. The enactment of title 18 was intended to make the law more accessible through the modern alphabetical arrangement of classification, the employment of uniform language and style, and the reconciliation of conflicting laws. Only one or two statutes relating to immigration crimes were reenacted in the present title 18. All of the crimes relating to nationality were substantially reenacted in title 18.

It is recommended that, with a few exceptions all of the penalties both judicial and administrative, be substantially reenacted. The bringing in and harboring of aliens should be amended to provide a penalty for the illegal harboring which is lacking in the present statute.

The proviso in section 23 of the 1917 act relating to the improper landing of aliens from Canada or Mexico and the requirement that suitable landing stations be provided should be carried forward without the present criminal penalty. Such penalty is covered in the section relating to entry of an alien at an improper time or place.

The provisions relating to the importation of contract laborers, foreign advertisements for laborers, and inducement or solicitation of immigration should be repealed. The problem is met by the visa system and the selectivity provisions of the proposed law.

The illegal entry section should be carried forward with an increased penalty for subsequent offenses.

The provisions relating to reentry after deportation should be carried forward in one section and apply to any alien deported for any reason and provide for the same penalty.

The present perjury section should be repealed, inasmuch as aliens making false statements under oath may be prosecuted under the general perjury statute in title 18 of the Criminal Code.

The false personation provision has been reenacted in title 18 and this section should be carried forward with a few minor changes.

The prevention of unauthorized landing of aliens should be amended to provide for an administrative fine only. A criminal violation is provided for in the section relating to the unlawful bringing or harboring of aliens.

The requirement for the posting of immigration laws abroad and the penalty imposed for failure to do so has become obsolete and should be repealed.

CHAPTER VIII

TERRITORIES AND POSSESSIONS

A. Territorial Status

Alaska and Hawaii are organized Territories of the United States. Under the Immigration Act of 1917, Hawaii is treated as an insular possession. Alaska is treated as an integral part of the continental United States. The insular possessions are Puerto Rico, the Virgin Islands of the United States, Guam, and American Samoa. The Isthmian Canal Zone is under a lease in perpetuity to the United States, but for immigration purposes, it is considered as foreign territory.[1]

B. Definitions

Since certain definitions are not identical in their applicability under the Nationality Act and under the provisions of immigration law which determine the immigration status of residents and native-born citizens of the Territories and possessions, it is important to review applicable definitions.

1. ALIEN

The term "alien" includes any individual who is not a native born or naturalized citizen of the United States. It does not include individuals who are citizens of the islands which are under the jurisdiction of the United States. This is in accordance with the provisions of section 28 of the act of 1924.

2. NATIONAL

A national is any individual who owes permanent allegiance to the United States. It refers to both citizens and noncitizens of the United States. Normally the term is used when referring to inhabitants of our insular possessions who owe allegiance to the United States but who are not citizens of the United States.

3. ENTRY INTO THE UNITED STATES

An entry into the United States, within the meaning of the immigration laws, is an arrival from some foreign port or place or from an insular possession. An alien who leaves the Canal Zone or any insular possession of the United States may enter another possession of the United States only under the conditions applicable to all aliens. The United States is defined as being the several States, the District of Columbia, the Territories of Alaska and Hawaii, Puerto Rico, our Virgin Islands, and any waters, territory, or other place subject to the

[1] Immigration Manual, secs. 1511, 1512; sec. 1 of the act of 1917, 39 Stat. 874; secs. 25 and 28 of the act of 1924, 43 Stat. 153.

jurisdiction of the United States, except the Canal Zone. An entry is made when an alien enters the continental United States or any place under the jurisdiction thereof from any foreign port or place, when he enters one insular possession of the United States from another, or the continental United States (including Alaska) from any insular possession, or when he enters the continental United States from the Territory of Hawaii.

C. General Application of Immigration Provisions

The application of our immigration laws to each of the Territories and possessions will be treated separately because of the fact that there are many situations which are peculiar to each of the different areas. Generally aliens who have been lawfully admitted to any of our insular possessions (except the Canal Zone) are not admissible to the continental United States (which includes Alaska for control purposes) or to any other territory subject to the jurisdiction of the United States, unless such aliens can satisfy the Immigration and Naturalization Service that they are not inadmissible under the exclusion provisions of the act of 1917. Such aliens are thus considered as proceeding from a foreign area to the United States as far as immigration provisions of the act of 1917 are concerned. They are, however, exempt from exclusion on documentary grounds when effecting intra-insular travel or travel to the continental United States. They are also exempt from exclusion on illiteracy grounds, provided they are not otherwise specifically exempt and have established insular residence of more than five continuous years. Alien residents of the continental United States are not subject to the exclusion provisions of the act of 1917 when traveling from the continental United States to any of our insular possessions and return.

Aliens who have been admitted to Hawaii, Puerto Rico, or the Virgin Islands of the United States for permanent residence as immigrants can be admitted to the United States unrestricted by any time limitation. They are also exempt from the payment of head tax,[2] provided such aliens are not effecting an entry from a foreign area.[3]

Upon each arrival of a boat or aircraft in the continental United States from any foreign area (including the Canal Zone), or from Hawaii, our Virgin Islands, Guam, or Puerto Rico, a manifest of all arriving alien passengers must be presented to the port immigration authorities. The same requirement holds in cases involving arrival in an insular possession of the United States from any foreign area, from the continental United States, or from any other insular possession of the United States.[4]

Upon each arrival, a manifest of all citizens of the United States (including citizens of our insular possessions) arriving as passengers must be presented to the proper authorities.

Seamen or airmen who are alien crew members of carriers arriving in the continental United States from any insular possession or arriving in any insular possession from any other insular possession of the United States are not subject to regular crew inspection.

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[2] 8 CFR 105.3 (j).
[3] Immigration Manual, sec. 1511.
[4] Ibid., sec. 523.33.

Citizens and nationals of the United States who are residents of our insular possessions are not subject to any of the excluding provisions of our immigration laws. They can travel freely to any insular possession and the United States.[5]

1. ALASKA

In accordance with the provisions of the act of August 24, 1912,[6] Alaska is an organized Territory of the United States. Alaska is considered as being a part of the continental United States for every purpose under our immigration laws.[7] Seamen (including airmen) or passengers arriving in any port of the United States directly from Alaska are not subject to immigration inspection.[8]

2. HAWAII

For immigration purposes Hawaii, although an organized Territory, is treated as an insular possession. All aliens who seek admission to Hawaii from foreign countries are subject to all of our immigration laws.[9]

Nonimmigrants who arrive in Hawaii, but intend to depart for the mainland at a later date, are permitted admission for temporary stay or as incident to transit through the United States to a foreign country. They are admitted as section 3 (2) or 3 (3) visitors (tourists or transits) and their passports or documents acceptable in lieu of passports are so stamped and endorsed. Such aliens need not appear before the officer in charge at Honolulu for any further endorsement of status when about to proceed directly to a port of the continental United States, provided the time of proposed departure from the continental United States will be within the period granted. They are admitted to the continental United States upon identification.[10]

Alien lawful permanent residents of Hawaii who wish to proceed to the continental United States are subject to the exclusion provisions of the act of 1917 when they arrive at a port of the continental United States. They are furnished alien certificates of identification provided they are legally entitled to proceed directly to the mainland of the United States. This form certifies to the holder's immigration status and the date of his admission to Hawaii. Such aliens are admitted to the continental United States upon identification. They are examined in Hawaii under the exclusion provisions of the act of 1917 immediately prior to the issuance of the form which is only issued to aliens legally entitled to enter the United States. The inspection at mainland ports appears to be concerned only with identification of such aliens as the lawful holders of the form.

Aliens proceeding from Hawaii to the continental United States by aircraft are preinspected in Hawaii before departure for determination of admissibility. Certain individuals who make substantial claim to United States citizenship, which cannot be determined in Hawaii, or who are aliens whose status under immigration law is dependent upon

[5] Ibid., sec. 1511.
[6] 37 Stat. 512; 48 U. S. C. 21.
[7] Immigration Manual, sec. 1512.
[8] Ibid.
[9] Ibid., sec. 1513.1.
[10] 8 CFR 128: 1 et seq. and Immigration Manual, sec. 1513.331 (c).

an intended marriage to a United States citizen can be permitted to proceed by air to the mainland subject to inspection and decision upon arrival in the continental United States. The Immigration and Naturalization Service claims that this procedure has resulted in a saving of many man-hours, because it is not necessary to detail inspectors at mainland airports to inspect arriving aircraft.

An alien resident of the United States, who visits Hawaii and wishes to return to the mainland, is issued a form which shows the port and date of original arrival in the United States, the name of the ship which brought him to the United States, and the claimed status. He is not required to present a passport or visa when traveling between the continental United States and an outlying insular possession of the United States or when traveling from one insular possession to another.[11]

A resident who is a citizen of the United States and who wishes to depart temporarily from Hawaii is issued a "Certificate of Citizenship—Hawaiian Islands" after he proves that (1) he is a citizen of the United States, (2) he is a bona fide resident of the Territory of Hawaii, and (3) he actually intends to depart temporarily.[12] Issuance of this certificate was originally initiated to provide United States citizens of oriental lineage with a satisfactory document proving citizenship status.[13]

A citizen of the United States who is a resident of Hawaii but who signifies an intention to depart permanently from Hawaii is not given any document unless he is proceeding to the continental United States. He is given a mimeographed sheet containing essentially the same information as the "Certificate of Citizenship—Hawaiian Islands" which must be surrendered to the immigrant inspector upon arrival at a mainland port of the United States. If he does not intend to remain in the United States permanently he is permitted to retain such certificate as identification when reentering Hawaii.[14]

3. PUERTO RICO

The enforcement of our immigration laws and regulations is accomplished by officers of the Immigration and Naturalization Service located in Puerto Rico. For immigration purposes, it is an insular possession.[15]

Aliens entering Puerto Rico from a foreign port or place are subject to all of our immigration provisions, except those who are Spanish subjects, who on April 11, 1899, were bona fide residents of Puerto Rico or its adjacent islands, and who preserved their Spanish allegiance by making a declaration to that effect. Such aliens are not excepted from the burden of proof placed upon aliens in another section of the law. These aliens are permitted to present a passport visa in lieu of an immigration visa; they may also apply for an immigration visa under the act of 1924 to enter the United States (including Puerto Rico). Entry with a passport visa is good only for admission to Puerto Rico. The wife and children of such an alien are classified as quota immigrants if they were born in a quota country, but they

[11] 8 CFR 176.202 (g).
[12] 8 CFR 128.5.
[13] Immigration and Naturalization Service, Monthly Review, August 1946, p. 24.
[14] Laurence H. Haus, Immigration and Nationality in the Hawaiian Islands, Immigration and Naturalization Service, Monthly Review, August 1946, pp. 21-24.
[15] Immigration Manual, secs. 1513.51 and 1513.53.

may be given a first priority on the waiting list for an oversubscribed quota. A Spanish national may not be issued a passport visa unless he establishes that he is not subject to exclusion under the immigration law.

Aliens born in Puerto Rico, when seeking to immigrate to the United States from any other place, are not chargeable to any quota. They must, however, apply for an obtain an immigration visa. A visa may not be issued to them unless they establish that they are not subject to exclusion under our immigration laws. The wife and children of such alien born in a quota country are classified as quota immigrants and given a first priority on the waiting list if chargeable to a quota which is overscribed.

United States citizens are, of course, permitted to travel between Puerto Rico and the continental United States unrestricted by immigration laws in the same manner as they travel between the States.

Most of the people who depart from Puerto Rico destined for the continental United States travel by aircraft. They are preexamined (preinspected) before departure. The carrier's passenger manifest is endorsed by the immigrant inspector in Puerto Rico concerning the immigration status of the passengers. There is no further inspection made upon arrival in the United States.

Steamship passengers, except those who arrive in Puerto Rico from South America or the Dominican Republic, destined for the continental United States are preinspected in Puerto Rico. They are admissible upon arrival when they surrender their certificates of identification. This certificate consists of the bottom half of their steamship ticket which constitutes a landing card.[16] These passengers are permitted shore leave while the vessel is in Puerto Rico but their immigration inspection and record port of entry is at the mainland port of arrival.

The Government of Puerto Rico has issued certificates of identification to native-born Puerto Ricans, to attest to the holder's birth in Puerto Rico. The Immigration and Naturalization Service is not, however, disposed to accept these certificates as prima facie evidence and examines the individual applicant as to his citizenship status.

4. VIRGIN ISLANDS

The United States purchased the Danish West Indies and changed the name of the islands to the Virgin Islands of the United States. This purchase was the result of a treaty signed on August 4, 1916. Treaty ratifications were exchanged on January 17, 1917, but formal transfer of sovereignty was not accomplished until March 31, 1917.[17]

There are three principal islands, St. Thomas, St. John, and St. Croix, and about 50 cayas (islets) which are mostly unnamed and uninhabited. These islands are geographically close to the British Virgin Islands and the majority of the inhabitants are of identical race and culture. Both the British and Danish authorities permitted free movement among the islands. This has created a pattern of interisland travel which is no small source of trouble for United States immigration authorities. It has resulted in a situation where a single

[16] Ibid., sec. 1513.53 (c).
[17] John M. Bond, History of Service Activities in the Virgin Islands, Immigration and Naturalization Service, Monthly Review, December 1946, p. 76.

family in the Virgin Islands may contain members who were born in the British Virgin Islands or the Danish West Indies, while others of the same family were born in the United States Virgin Islands.

From the date of acquisition of these islands by the United States until the Immigration and Naturalization Service took over nominal jurisdiction of immigration on July 1, 1938, the administration of our immigration laws in these islands was not very stringent.[18] Aliens were admitted to the islands without full compliance with the immigration laws. Records were incomplete and inaccurate up to March 1941.

From the date of acquisition to February 27, 1931, the immigration laws were enforced by the local police. Confusion concerning the applicability of the Immigration Act of 1917 to these islands created a situation whereby immigration consisted of little more than getting on and off a boat. The carrier manifests that the Immigration and Naturalization Service found later for this period consisted of no more than the name of a traveler and sometimes his age. On June 1, 1925, the naval governor proclaimed that our Immigration Act of 1924 was applicable in the Virgin Islands. The local police continued to enforce the law in a very lax manner. This situation actually continued until the Immigration and Naturalization Service took over the enforcement on March 1, 1941.

As far as administrative purposes are concerned, the active enforcement of the 1917 and 1924 Immigration Acts is deemed to have begun in these islands on July 1, 1938.[19] In spite of the fact that there might not be a record of entry, all aliens who entered prior to July 1, 1938, were presumed to have been lawfully admitted for permanent residence for entry purposes by virtue of the Attorney General's General Order C–43, dated December 16, 1943. Under the provisions of this order, aliens who had resided in the island prior to July 1, 1938 could not be deported.[20] If they entered after July 1, 1924, they could not be naturalized, because there was still no way of obtaining a certificate of arrival or to legalize their residence through registry proceedings. This situation was rectified by regulation promulgated on January 5, 1945, pursuant to which a certificate of arrival can be issued on the basis of a reentry in cases where there is a manifest record which indicates that such a reentry was by lawful admission for permanent residence. Thus, a certificate of arrival for naturalization purposes can be issued to aliens who make such a reentry.

When the Immigration and Naturalization Service took over actual enforcement of our immigration law in March 1941, there was a further complication which prevented clearing up of the cases of unlawful residents of these islands.[21] Defense projects on the islands had to be completed on rush schedules, offering salaries which appeared fabulous to the natives. This, plus the custom of interisland free travel in search of employment opportunity, led to a situation where aliens effected surreptitious entry into the islands by whatever means possible. They could not understand the immigration regulations which prevented their entrance. They merely dropped anchor any place other than the harbor entrance and walked through the brush

[18] John M. Bond, op. cit., pp. 76-80.
[19] Administrative Decisions Under Immigration and Nationality Laws of the United States, August 1940 through December 1943, vol. I, p. 415.
[20] John M. Bond, op. cit., p. 77.
[21] Ibid., pp. 76-80.

and back roads to the defense projects. It was found that so many of the workers on these defense projects were deportable that to deport them would seriously hamper our war effort, so they were not deported. After work on the defense projects was completed, there still remained on these islands an estimated 1,000 deportable alien laborers. To effect their deportation, there was an Immigration force of one officer in charge and three inspectors who were natives of the islands.

There were too many deportable aliens for the small immigration force to investigate and deport. In November 1945, this force was supplemented by two border patrolmen from the Miami district, who were temporarily assigned until July 1946. This supplemented force effected the voluntary departure of 708 aliens, the deportation under warrant of 30 more, and the conviction of 5 smugglers. Nearly 100 applications for suspension of deportation were filed, for the most part by defense workers who had started rearing families during their stay. By September 1, 1946, the immigration situation in these islands was under control.

Aliens arriving in the Virgin Islands from a foreign port or place are subject to all of the provisions of our immigration laws. Aliens who are lawful permanent residents of the Virgin Islands and make temporary visits to the British Virgin Islands or the French Island of St. Bartholomew are exempt from the requirements of presenting passports, permits to enter, or visas when returning to these islands. Certain nonimmigrant aliens are permitted to make temporary visits for business or pleasure which do not exceed 30 days each. They are not required to present passports or permits to enter when making such visits. Such nonimmigrant aliens are British subjects domiciled in the British Virgin Islands or in the British islands of Anguilla, St. Kitts, and Nevis; French citizens domiciled in the French island of St. Martin; and Netherlands subjects domiciled in the Netherlands islands of St. Eustatius or Saba or the Netherlands' portion of St. Martin.

Alien seamen and airmen employed as crew members on ships of British or United States registry which are engaged solely in traffic between the British Virgin Islands and the United States Virgin Islands are in a special category. The master of each vessel is required to submit a manifest form upon the vessel's first arrival at the start of each calendar year if the vessel operates on a year-round schedule. If the vessel does not operate on a regular schedule, a form is submitted upon the vessel's first arrival subsequent to the 1st of January and July of each calendar year. This form must contain the crew list and other information. It includes an appropriate description of the passport or document in lieu thereof held by each alien seaman who is a crew member. This is only applicable to crew members who are nonresident alien seamen, who are native-born or naturalized British subjects, and are lawful permanent residents of the British Virgin Islands.

Aliens born in our Virgin Islands are required to present a passport and immigration visa when immigrating to the United States.

5. GUAM AND AMERICAN SAMOA

Natives of Guam and American Samoa are not subject to the visa requirements of the act of 1924 since the act does not include Guam and

American Samoa in the definition of the United States. The exclusion provisions of the act of March 4, 1929 (reentry of deported aliens), also are not applicable to natives of these possessions. They are not subject to the provisions of the Alien Registration Act but are subject to the provisions of the act of 1917 and the Passport Act of May 22, 1918.

Guam has its own law, promulgated in 1931, regulating the admission of aliens, which is enforced by a commissioner of immigration appointed by the Governor of the island. Under that law, the excludable classes include all aliens prohibited by American law from entering any United States possessions, but an alien may be excluded on the additional ground that he will make an undesirable resident.

In American Samoa, immigration regulations are promulgated by a governor. No passenger is permitted to land without the written consent of a public health officer stationed there. A person who desires to remain in American Samoa is required to deposit with the chief customs officer not less than $50 nor more than $250 in American currency. The exceptions to the rule are foreign missionaries, through passengers remaining between ships, aboriginal natives of Samoa, the South Pacific, and the line islands, United States Government or island employees, recognized residents of American Samoa, and recognized members of a scientific body. The deposit may be used at any time to defray the expenses of maintenance or removal of such person if the Governor later finds him to be undesirable. The sum is returned to the depositor upon his departure or at the expiration of 1 year. The Governor also enforces the documentary requirements of persons entering and is also authorized to issue documents for travel to the continental United States.

Most of the native inhabitants of these possessions are nationals of the United States and as such they are not subject to the exclusion provisions of our immigration laws.

6. THE CANAL ZONE

This area is variously known as the Canal Zone, the Panama Canal Zone, and the Isthmian Canal Zone. For immigration purposes it is considered as a foreign country. The provisions of section 1 of the act of 1917 and of section 28 of the act of 1924 omit it from the definition of the United States. Section 4 of the Passport Act of May 22, 1918, as amended includes it, however, in the definition of the United States for the purposes of that act. Under the provisions of Presidential Proclamation 2523, dated November 14, 1941, the Governor of the Canal Zone is authorized, with the approval of the Secretary of State and the Attorney General, to effect such modifications of control of persons entering and leaving the United States pursuant to the act of May 22, 1918, as amended, as are deemed necessary for local control of entry.

Executive orders provide for the exclusion of certain classes of aliens and United States citizens, including those who are mentally and physically defective and all those whose presence, in the judgment of the Governor, would menace the public health and welfare of the Canal Zone, would tend to create public disorder, or would obstruct the operation or maintenance of the Canal. Deportation of such persons is at the discretion of the Governor.

Under the law [22] the President of the United States is authorized to provide, by Executive order, for the registration and fingerprinting of all aliens in the Canal Zone. Aliens coming from the Canal Zone to the United States or to any area under the jurisdiction of the United States are considered as arriving in the United States from a foreign place. This is in accord with section 1 of the act of 1917, section 28 (a) of the act of 1924, and Executive Order 8766 (June 3, 1941). An alien born in the Canal Zone, and his wife and unmarried children under 18 years of age, are classified as nonquota immigrants.

Masters of all maritime vessels leaving the Canal Zone for ports of the United States are required to submit a crew list for visa to a shipping commissioner of the Canal Zone at the port where the vessel commences its journey.[23]

D. Population Composition

1. GENERAL

The character and size of the population of our various outlying Territories and possessions are a strong factor in the migration situations found in each of these areas. Some areas present population pressures where the population is in excess of the available means of livelihood. A natural means of relieving such pressure is emigration. Other areas have a small population which must be supplemented by immigration to maintain or attain the proper economy of the area. Presently, the population pressure which is found in Puerto Rico has led to heavy emigration from that possession. During the period from 1941 to 1948, slightly more than 16 percent of this island's population has emigrated to the mainland in search of employment. Hawaii's present population has had to be supplemented by considerable immigration to attain and maintain the present sugarcane and pineapple economy. The present population of Hawaii is the result of world-wide search for suitable labor. It has resulted in the polyglot population found in these islands. The following table indicates the size and density of the populations of these Territories and possessions:

	Land area in square miles 1940	Population			
		Number		Persons per square mile	
		1930	1940	1930	1940
Canal Zone	362	39,467	51,827	109.0	143.2
Guam	203	18,509	22,290	91.2	109.8
Samoa	76	10,055	12,908	132.3	169.8
Hawaii	6,441	368,336	423,330	57.2	65.7
Puerto Rico	3,423	1,543,913	1,869,255	451.0	546.1
Virgin Islands	132	22,012	24,889	166.8	188.6
Alaska	571,065	59,278	72,524	.1	.1

Source: Statistical Abstract of U. S. 1948, table No. 3, p. 5.

[22] Alien Registration Act, 54 Stat. 675, 8 U. S. C 460.
[23] Immigration Manual, sec. 882.36 (a).

2. ALASKA

Approximately 55 percent of the total population of Alaska in 1939 was white; most of these were native-born. The Eskimos comprised the next largest proportion which was approximately 20 percent of the total; all but a few of these were native-born. Indians comprised 15.5 percent of the total; most of them were native-born. The Aleuts comprised 7 percent of the total population. The remainder of this population was comprised of a small number of Japanese and persons of other races.

3. HAWAII

In Hawaii the largest proportion of the population is composed of Japanese, who constitute approximately 37 percent of the total. The vast majority of them are native-born. The next highest group are whites, most of whom are native-born. They constitute 24 percent of the total population. Filipinos are the next, comprising 10 percent of the total. Except for the undetermined component number of Koreans, Puerto Ricans, Negroes, and other races who are grouped together for statistical purposes, the pure-blooded Hawaiians are listed as comprising the smallest proportion of the total population, only 3 percent of the total.

When the islands were first discovered by Capt. James Cook 172 years ago, there were 300,000 pureblooded Polynesian inhabitants. The stone-age fish and agricultural economy of that era created a population pressure with a low standard of living. Later, as European and American colonists migrated there, they spread new diseases and social disorganization which rapidly reduced the indigenous native population. They also initiated the present sugarcane and pineapple economy which is the mainstay of the present high standard of living. To attain and maintain the islands' standard of living, it was necessary to induce immigration. This was done usually by the pineapple and sugarcane growers with the support of the Hawaiian authorities.[24] The largest proportion of this immigration consisted of laborers and their dependents. Large numbers were imported from China, the Portuguese islands of Madeira and Azores, Japan, Puerto Rico, Korea, and the Philippines. Smaller numbers were imported from Norway, Germany, Russia, Spain, Micronesia (small islands of the South Pacific), and elsewhere. There was a considerable fluctuation in the Hawaiian population from 1940 to 1947, due to the fact that the census figures include armed forces personnel, their dependents, Government contractors and their employees, as well as civil-service personnel. World War II defense activities brought the population to a peak of 850,000 on July 1, 1944. Demobilization reduced this figure by July 1, 1947, to 544,000, of whom 509,000 were civilians. The 1947 population represents a 29-percent increase over the 423,330 population of 1940.[25]

The total population was 540,500 on June 30, 1948. The racial composition remained nearly static as far as the total population was concerned. The alien population was 74,020 of which 90.4 percent were Filipinos and Japanese.

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[24] U. S. Government report—Information on the Territory of Hawaii transmitted by the United States to the Secretary-General of the United States pursuant to article 73 (e) of the charter, prepared by the Governor of Hawaii in cooperation with the Department of Interior, Washington, D. C., June 1948, p. 5.
[25] U. S. Bureau of the Census, Current Population Reports, Population Estimates, series P-25, No. 11, August 6, 1948, pp. 1-2.

4. PUERTO RICO

Whites, most of them native-born, constitute the major proportion of the population of Puerto Rico.

By July 1, 1947, the total population was 2,149,000. Civilians comprised 2,141,000 of this number; the remainder were United States armed forces personnel.[26] The present Puerto Rican population density is 628.3 civilians per square mile, one of the highest in the world. Because of this and the fact that the majority of the labor force is employed in the cultivation of sugarcane which offers only seasonal employment, there has been a mass exodus from Puerto Rico to the United States mainland. Most of the migration has been to New York City.

In an attempt to create a buffer for this population pressure, the Puerto Rican authorities are presently attempting to create industries which will absorb this concentrated population. As an incentive for such industrial development, effective July 1, 1947, all new industries in Puerto Rico are exempt by Puerto Rican law from all taxes for a period of 7 years.[27]

5. VIRGIN ISLANDS OF THE UNITED STATES

Population estimates for the Virgin Islands of the United States show very little population growth from 1940 to 1947, only 9 percent over the 7-year period.

The available statistics concerning the racial composition of the inhabitants are difficult to analyze because of the different terminology used by the various available reference sources. One report shows that in the 1940 census whites comprised 9 percent of the total, Negroes 69 percent, and "mixed" and "other" races together comprised the remaining 22 percent. The "other" races are defined as nonwhites other than Negroes, plus Chinese and Hindus. The "mixed" races are defined as persons of part white and part Negro blood.[28] Another report shows that 90 percent of the current population is wholly or partially Negro;[29] that there are people of English, Scotch, Danish, Dutch, French, and Spanish heritage residing in these islands. Another report shows that about 95 percent of the total population is Negro. Some are of mixed blood, but the majority are descendants of Africans brought to the islands a century or two ago.[30]

St. Croix, St. Thomas, and St. John are the three principal islands of this group. St. Croix has a population density of 158.5 persons per square mile, with an area of 82 square miles and a population of 13,000 persons. St. Thomas has a population density of 500 persons per square mile, with an area of 32 square miles and a population of 16,000. St. John's population density is 42.1 persons per square mile, with an area of 19 square miles and a population of 800 people.

These islands are not rich in natural resources and are described as being largely dependent on United States to attain economic stability.

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[26] U. S. Bureau of the Census, Current Population Reports, Population Estimates, series P-25, No. 11, August 6, 1948, pp. 1, 2.
[27] Statesman's Year Book, 1948, p. 666.
[28] Information report, prepared by the Government of the Virgin Islands in cooperation with the Department of the Interior, Washington, D. C., The Virgin Islands of the United States, June 1948, p. 6.
[29] U. S. Department of the Interior, Division of Territories and Island Possessions, General Information on the Virgin Islands of the United States, November 1948, p. 3.
[30] U. S. Department of the Interior, Division of Territories and Island Possessions, General Information on the Virgin Islands of the United States, October 1948, p. 4.

Except for St. Croix, which contains most of the arable land, they do not offer any great possibilities for agricultural development, particularly as regards exports. Agricultural development will require much scientific development. St. Thomas is mostly dependent on fuel bunkering and the servicing of ships which ply the ocean-trade lanes. St. John is mostly primitive, with an economy which depends entirely upon scattered subsistence farming. Employment possibilities are so limited that a Government publication advises prospective settlers to come with sufficient funds to tide them over the period it will take to establish themselves in a business or a profession.[31] It is not difficult to see the calculated risk which would be involved in immigration to these islands.

6. GUAM

The estimated population of Guam on March 31, 1948, was 25,168 Guamanians and 64,961 non-Guamanians, the latter composed mostly of United States armed forces personnel and their dependents, civil-service personnel, and Government contractors.[32] The resident population density is 116 persons per square mile.

The Guamanians are called Chamorros but are actually the result of intermarriages between several different nonindigenous inhabitants and the indigenous pureblooded Chamorros. They are principally descendants of the Spanish, Mexican, and Filipino soldiers who were brought to Guam at various times in history. These were followed by American, British, Chinese, and Japanese, who also contributed to the present racial admixture.

Guam is poor in natural resources. The agricultural potential is described as not great but it is the most significant part of the local economy. Industrial development is negligible. There is, however, no problem of unemployment in this area. It has been found necessary to import laborers from the continental United States, Hawaii, the Philippines, and other sections of the Pacific Ocean area. These workers are brought to Guam in United States naval vessels and are required to leave upon termination of short-term labor contracts. The usual period of such contracts is 1 year. Transportation is furnished both going and returning. It appears that such employment is dependent upon services rendered to the resident naval personnel, not upon natural resources.[33]

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[31] Department of the Interior, Division of Territories and Island Possessions, General Information on the Virgin Islands of the United States, October 1948, p. 7.

[32] U. S. Government report—Information on Guam Transmitted by the United States to the Secretary-General of the United Nations Pursuant to Article 73 (e) of the Charter, Prepared by the Navy Department, Washington, D. C., June 1948, pp. 1-2.

[33] U. S. Government report—Information on Guam Transmitted by the United States to the Secretary-General of the United Nations Pursuant to Article 73 (e) of the Charter, Prepared by the Navy Department, Washington, D. C., June 1948, p. 13, and pp. 26-31.

7. SAMOA

The following table lists the various island groups of American Samoa with their population and population density:[34]

Group	Population	Density per square mile
Tutuila	14,402	270
Aunu'u		
Manu'a	2,532	118
Ta'u		
Olosega		
Ofu		
Rose	(1)	(1)
Swains	143	143

[1] Uninhabited.

Samoans are Polynesians who are closely akin to the people of Hawaii. The natural resources of these islands is of little importance. The main export product is copra (dried coconut). Only 20 percent of this area is arable land and it is used for subsistence crops. There is ample labor to supply labor needs and there are no movements of migratory labor to, from, or within these islands.[35]

8. CANAL ZONE

The estimated civilian population of the Canal Zone in 1940 was 27,000, which rose to a high of 54,800 in 1943. The 1947 civilian population was estimated at 47,500.[36] There are no figures available on the number of armed personnel in this area.

E. MIGRATIONS

1. IMMIGRATION AND EMIGRATION

The available statistics on immigration and emigration activities in the Territories and possessions are not complete. Available official statistics of the Immigration and Naturalization Service do not include movements on military vessels during the war years. During the 1946 fiscal year, for example, 7,361 Filipino laborers were brought to Hawaii, but the official statistics of the Immigration and Naturalization Service show only 56 immigrants admitted on the basis of available manifests covering this period.

Such laborers are admitted to Hawaii under special legislation, section 8 (a) (1) of the act of March 24, 1934.[37] Under the provisions of this statute, citizens of the Philippines (who are not citizens of the United States) can be brought into Hawaii without immigration or passport visas when they are imported for employment there. They are specifically exempt from all of the provisions of the immigration laws. They can remain in Hawaii unrestricted by any time limita-

[34] Figures do not include nonindigenous population which is only 1 percent of the total. This figure is as of July 1, 1946. The estimate as of July 1, 1948 is almost 18,000.

[35] U. S. Government report—Information on American Samoa Transmitted by the United States to the Secretary-General of the United Nations Pursuant to Article 73 (e) of the Charter, Prepared by the Navy Department, Washington, D. C., June 1948, pp. 1-2, 11, 21-23.

[36] U. S. Bureau of the Census, Current Population Reports, Population Estimates, series P-25, No. 11, August 6, 1948, pp. 1-2.

[37] 48 Stat. 456.

tion, but unless they are otherwise admissible under immigration law, they are not eligible for admission into the continental United States or the other possessions of the United States.[38] Filipinos and their dependents must, however, submit a certificate of identification which indicates their status. Such certificates are issued only by the United States consulate in Manila.

The 1934 act authorizes the United States Department of the Interior to determine the number of persons who can be brought into Hawaii, based on the industrial needs of the islands. By virtue of regulations issued by the Secretary of the Interior, the Governor of Hawaii is empowered to authorize persons, firms, and corporations in Hawaii to import laborers when it is decided that the industrial needs of these islands require such action. During the period 1938 to 1948, Puerto Rico received somewhat more than three times as many immigrant aliens as there were aliens who emigrated. The majority of the immigrants were admitted from 1946 to 1948, at the rate of only 350 persons per year. Even such a small rate is unusual in view of the fact that Puerto Rico's high population density has caused a heavy migration of Puerto Rican citizens to New York City.

2. ALIEN INTRA-INSULAR TRAVEL

From 1938 to 1948, intra-insular alien travel between Hawaii and our other insular possessions resulted in a net gain for Hawaii of 46 aliens, due largely to migrations during 1947. In 1947, such travel resulted in a gain of 62 migrant aliens from other insular possessions, and during 1946 Hawaii lost 23 aliens by migration from Hawaii to other insular possessions. The other years showed small gains or losses by such travel.[39]

3. CITIZEN INTRA-INSULAR TRAVEL

During the period 1938 to 1948, migrations of United States citizens between Hawaii and other insular possessions resulted in a net gain to Hawaii of 771 migrants. Travel of United States citizens (other than military personnel) between Hawaii and the other insular possessions averaged 292 persons per year from 1938 through 1945 and resulted in small but consistent increase to the Hawaiian population. This type of traffic was heaviest during 1947 and 1948. In 1947, Hawaii lost 1,537 United States citizens by migration to other insular possessions, but in 1948 Hawaii gained 1,225.

The United States citizens who traveled during this period between Puerto Rico and our Virgin Islands constituted a net gain to Puerto Rico of 2,369 such migrants. Travel has gradually increased over these years and was heaviest during 1946, 1947, and 1948. In 1946, our Virgin Islands gained 202 such migrants. In 1947, Puerto Rico gained 937, and in 1948 Puerto Rico gained 745 such migrants.[40]

[38] Immigration Manual, sec. 1513.332 (b).
[39] For detailed statistics on alien travel, see appendix IV, table 17, p. 828.
[40] See appendix IV, table 17, p. 828.

F. Control Problems

1. ALASKA

There do not appear to be any serious immigration-control problems which are peculiar to Alaska. Immigration and naturalization problems in Alaska concern naturalization hearings and the delivery of certificates of citizenship.

2. HAWAII

Immigration and Naturalization officials reported that considerable difficulty is encountered in the cases of Oriental applicants for admission who claim United States citizenship but who were born abroad and are seeking entry into the United States for the first time. The average age of such applicants ranges from 30 to 40 years, which means that they were born prior to 1934 and are, therefore, not restricted by law to any time limitation. This problem will, of course, be remedied in time by the provision of the Nationality Act of 1940, or by the provisions of the proposed bill. The 1940 act requires that children born abroad of a citizen parent and an alien parent after May 24, 1934, must apply for admission to the United States on or before their sixteenth birthday or forfeit their right to citizenship. Applicants who claim United States citizenship but were born abroad before May 24, 1934, are not restricted by any time limitation. It will be many years before such applicants will cease to seek admission.[41]

Filipino laborers who were brought to Hawaii under special legislation [42] are currently creating a problem when they apply for Hawaiian reentry permits and for entry into the continental United States. These laborers were imported to Hawaii without regard to immigration laws. The Immigration and Naturalization Service does not have any record of admission in these cases. The Hawaiian Sugar Planters' Association, which brought these laborers to Hawaii, has cooperated in fingerprinting and furnishing certificates of identity to such laborers when required by the Immigration and Naturalization Service. This association has also furnished the Immigration and Naturalization Service with copies of the original manifests of arrival of these laborers.

An Immigration and Naturalization official stated that future admissions of such laborers should be subject to immigration laws and regulations, provided that they be exempt from visa, contract-labor provisions, and certain other provisions of the law. He suggested that the provisions of immigration law relating to the physical, mental, and moral state of such laborers should not be waived. The subcommittee recommends that the law [43] which permits the admission of such laborers should be revoked and replaced by legislation to permit the temporary admission of agricultural laborers for the purposes of engaging in agricultural employment.[44]

Another Immigration and Naturalization official stated that Filipino laborers should be granted lawful entry into the United States for permanent residence by legislative action and that such legislation

[41] For a discussion on the rights of persons born abroad with respect to United States citizenship, see p. 690.
[42] Sec. 8 (a) (1) of the act of March 24, 1934, 48 Stat. 456.
[43] Id.
[44] For a detailed study of this problem, see p. 573.

should include exemption from the requirement of a certificate of arrival for naturalization purposes if they are otherwise qualified. The subcommittee concludes that such action is objectionable in view of the finding that those immigration provisions relative to the physical, mental, and moral state of such laborers should not be waived.

Due to the expansion of travel incident to World War II, a large number of Samoans have migrated to Hawaii, seeking admission as noncitizen nationals of the United States. Certain of these Samoans have been unable to gain admission, because they are stateless, even though they were born in American Samoa.

It has been held that indigenous inhabitants who were present in Samoa on February 16, 1900 (the ratification date of the treaty by which the United States acquired Samoa), are nationals of the United States.[45] Under present law, persons born in American Samoa between February 16, 1900, and January 13, 1941, became United States nationals at birth, provided both parents were nationals of the United States when such birth occurred.[46] By virtue of the Nationality Act of 1940,[47] children born in American Samoa on and after January 13, 1941, acquire status as nationals of the United States provided one of the parents was a national of the United States at the time of the birth.[48]

The law by which Samoan natives gain status as United States nationals is clear and easily understood by people who are familiar with travel from one nation to another. The native Samoans who migrated between British Samoa and American Samoa traveled, as was their custom as well as that of their forefathers, uninhibited by thoughts concerned with the legal consequences to their nationality status. The law did not prohibit such migrations.

Immediately after February 16, 1900, British Samoans migrated to American Samoa without knowing that their children would be born stateless. Even when such British Samoans married American nationals of Samoa, their offspring were stateless if they were born in American Samoa during the period from February 17, 1900, to January 13, 1941. Thus was created a situation which could conceivably result in an endless chain of stateless people who were blameless except for a thoughtless parent or grandparent who did not understand or know of the legal consequences of his migration.

British Samoans and American Samoans have the same ethnic origin and culture, and they have intermarried without regard to mmigration and nationality status.

An Immigration and Naturalization official cites the case of such a stateless Samoan who had been born in American Samoa and had served in the United States armed forces during World War II, but later discovered that he could not be admitted to the United States (Hawaii in this case) as a national. This same official suggested that noncitizen nationality through birth in American Samoa be defined as follows:

(*a*) Those persons who were native inhabitants of American Samoa on February 16, 1900, became American nationals;

[45] Nationality Manual, sec. 356.7, p. 3016; sec. 305.6 (j) Administrative Interpretations; Hackworth, 6 H. Digest of International Law, vol. 3, p. 155.
[46] Nationality Manual, sec. 356.7, p. 3016; sec. 305.6 (j) Administrative Interpretations; Hackworth, G. H., Digest of International Law, vol. 3, p. 155.
[47] Sec. 204 (a) of the act of October 14, 1940, 54 Stat. 1139, 8 U. S. C. 604 (a).
[48] Nationality Manual, sec. 356.7, p. 3016.

(*b*) A person born in American Samoa since February 16, 1900, whose father possessed American nationality, also possesses American nationality; and

(*c*) A person born in American Samoa since February 16, 1900, but prior to January 13, 1941, who is predominantly of a race indigenous to the Samoan group of islands, became at birth an American national.

3. PUERTO RICO

Immigration and naturalization officials have stated that many aliens who are legal residents of the United States make a considerable number of trips to various South American countries and return to the United States. In the course of these trips, there is a routine stop at Puerto Rico because of the existing travel schedules. The next stop on the itinerary is usually some other South American country before the legal resident alien returns to the United States. Such a resident alien is considered as reentering the United States at Puerto Rico, and his reentry permit is taken up. Thus, he must secure a visa in the status of an immigrant who was previously legally admitted to the United States, at the next stop, in order to be able to reenter the United States mainland. When he lands on the United States mainland, he is required to pay a head tax and surrender this visa. It is the opinion of these officials that this situation is unfair.

Officials also suggested that alien residents of Puerto Rico and the United States Virgin Islands be furnished with identification cards when traveling between these two possessions. The migration of Puerto Ricans to the mainland, particularly to New York City, does not appear to be a problem for the immigration officers in Puerto Rico, but it has created a serious problem for New York City. It is hoped that such heavy migration to New York City can be diverted to other parts of the mainland as the result of an agreement between officials of the United States Employment Service and the Puerto Rican labor department. This agreement is in conjunction with the program of importing agricultural laborers from Western Hemisphere countries.[49]

4. THE VIRGIN ISLANDS

There is no material available regarding possible immigration-control problems in the Virgin Islands, other than the suggestion that a system of identification cards, similar to border-crossing cards, be initiated.

5. GUAM

There is no material available on possible control problems peculiar to Guam.

G. Recommendations

It is recommended that the term "United States" as used in the Immigration Acts of 1917 and 1924 be combined into one definition as follows:

The term "United States" when used in a geographical sense means the continental United States, Alaska, Hawaii, Puerto Rico, and the Virgin Islands of the United States.

[49] For a detailed discussion, see p. 573.

With such definition, there will be no ambiguity in the application of the immigration laws with relation to entry into or travel between continental United States and the possessions named.

It is recommended that the term "insular possession" as used in the 1917 act be deleted and the term "outlying possessions" be defined as meaning—

> Guam and American Samoa (including Swain's Island), but shall not include any lands, Territories, or possessions under the jurisdiction, control, or administration of the United States by mandate, trusteeship, or otherwise.

In order to provide for immigration from the outlying possessions, it is recommended that the term "consular officer" include an officer designated by the Governor of the Panama Canal or the Governors of the outlying possessions for the purpose of issuing immigrant or nonimmigrant visas under title II of the proposed bill. This merely gives direct authority to the Governor, whereas under the present act the designation is made by the President or by his authority.

Under these definitions, a lawfully admitted alien resident of Hawaii, Puerto Rico, Alaska, and the Virgin Islands may travel between such places, and between such places and the mainland, the same as aliens traveling between any of our 48 States.

PART 2

THE NATURALIZATION SYSTEM

CHAPTER I

HISTORY AND SUMMARY OF THE NATURALIZATION LAWS

A. Constitutional Provision

Under the Constitution the Congress has power "to establish an uniform Rule of Naturalization." [1]

B. Acts of Congress

The first act providing procedure for naturalization of aliens became law in the First Congress on March 26, 1790.[2] This act provided for naturalization of "any alien, being a free white person" who otherwise met the requirements of the act.

Periodically thereafter the following acts were enacted, each providing for naturalization of alien white persons: Act of January 29, 1795, Third Congress (1 Stat. 414); act of April 14, 1802, Seventh Congress (2 Stat. 153); act of March 26, 1804, Eighth Congress (2 Stat. 292); act of May 26, 1824, Eighteenth Congress (4 Stat. 69); act of May 24, 1829, Twentieth Congress (4 Stat. 310).

The Forty-first Congress enacted the act of July 14, 1870,[3] providing that—

> the naturalization laws are hereby extended to aliens of African nativity and to persons of African descent.

These early laws governing naturalization followed the general pattern of requiring formal declaration of intention, 5 years' residence, good moral character, attachment to the Constitution, and testimony of witnesses. Admission to citizenship was by Federal or designated State court procedure. The naturalization process lacked uniformity, and, by the early 1900's, when immigration was on the increase, frauds were prevalent. A commission was appointed in 1905 to investigate the naturalization process, and as a result the basic Naturalization Act of 1906 was enacted.[4] This act, as amended, continued in force until the codification of all naturalization laws was effected in the Nationality Act of 1940.[5] The 1940 act combined all substantive and procedural requirements for naturalization. The Nationality Act has been amended since codification in 1940, but the general pattern of the law remains unchanged.

C. The Law Today

The nationality law, the principal provisions of which are embodied in the Nationality Act of 1940, as amended, (1) defines who are citizens by birth, and who may or who may not become citizens by naturaliza-

[1] Constitution of the United States, art. I, sec. 8, clause 4.
[2] 1 Stat. 103.
[3] 16 Stat. 254.
[4] 34 Stat. 596.
[5] 54 Stat. 1137, 8 U. S. C. 501.

tion; (2) sets out the procedures to be followed to attain such naturalization; and (3) sets out the circumstances and conditions under which citizenship may be lost and regained, either by native-born or by naturalized citizens.

It should be kept in mind that there are certain aliens now resident in this country whose status is determined by the law as it has been at some applicable time or times in the past and that the present law outlined herein therefore does not apply in every case.

I. WHO ARE CITIZENS; NATIONALS

a. By birth

All persons born in the United States, including Alaska, Hawaii, Puerto Rico, and the Virgin Islands, and subject to the jurisdiction thereof are citizens at birth. This category includes (1) a person born to a member of an Indian, Eskimo, Aleutian, or other aboriginal tribe, and (2) a child of unknown parentage found in the United States, until shown not to have been born therein. Also classified as citizens at birth are persons born outside of the United States of citizen parent or parents, one of whom has resided in the United States for certain specified periods of time. Children born outside of the United States of parents who are nationals but not citizens are considered nationals but not citizens, with certain exceptions. Illegitimate children whose paternity is established during minority generally have the status of legitimate children, and in the absence of legitimation, such children have the nationality status of the mother. Special provisions are also made for naturalization, in certain cases, of adopted children.

b. By naturalization

Citizenship by naturalization is limited to persons possessing the legal requirements as to (1) race; (2) good moral character, and attachment to the principles of the Constitution; (3) ability to speak English; and (4) residence.

It should be observed that ability to read and write English is not a prerequisite to naturalization.

Those persons racially eligible to naturalization include (1) white persons, persons of African nativity or descent, persons who are descendants of races indigenous to North or South America or adjacent islands, Filipinos, and persons possessing a preponderance of blood of such classes; (2) Chinese persons, and persons of races indigenous to India, and persons possessing a preponderance of Chinese or Indian blood, or as much as one-half of such blood and some additional blood of those included in (1) above.

It is thus evident that those not racially eligible to naturalization include the Japanese, Koreans, Burmese, Polynesians, and certain peoples indigenous to islands adjacent to Asia.

The general requirements as to residence are 5 years' continuous residence in the United States and 6 months in the State prior to filing a petition for naturalization. Exception to this general rule is made in several classes of cases, including cases of aliens who have served honorably in our armed forces in time of war, cases of aliens who have served honorably 3 years in peacetime, and cases of alien spouses of United States citizens. Minor children generally acquire naturalization when their alien parents become citizens.

2. WHO MAY NOT BECOME A CITIZEN

Naturalization is specifically prohibited to persons who at any time within 10 years immediately preceding filing of petition for naturalization have been members of proscribed organizations or who have participated in any of the specified activities generally listed as subversive. Naturalization is also prohibited to deserters in the armed services in time of war, or to those aliens who have evaded the draft by leaving the United States, or to those aliens who apply for exemption from military training and service prior to induction.[6]

3. HOW TO BECOME A CITIZEN

Exclusive jurisdiction to naturalize aliens is conferred upon United States district courts and State courts of record having general jurisdiction. Any resident alien, 18 years of age or over, who has a certificate of arrival showing lawful entry for permanent residence and who is qualified for naturalization, may at any time file with the clerk of a naturalization court a declaration of intention, or "first paper," to petition for such naturalization. Generally, all resident aliens eligible to naturalization must file such a declaration, but exception is made for certain classes, such as the spouse of a United States citizen; a person who has lost citizenship through the expatriation of his parent or parents; and certain persons who have served in the armed forces or on board American merchant vessels.

After the filing of the declaration of intention, there is a minimum waiting period of 2 years before the petition for naturalization may be filed. There is also a minimum residence requirement of 5 years as a prerequisite to the filing of a petition for naturalization.

After the petition for naturalization has been filed, a preliminary hearing is conducted by a naturalization examiner, who is designated by the Immigration and Naturalization Service. In some cases, a subsequent, independent investigation is made. Thereafter, a report and recommendations of the designated examiner are submitted to the court. This petition must be heard in open court, and, together with the designated examiner's report, must satisfy the court that the requirement of residence, good moral character, and attachment to the principles of the Constitution have been fulfilled. Upon the petition being granted, the alien must, in open court, renounce his former citizenship, and swear to support and defend the Constitution against all enemies, foreign and domestic. The oath does not specifically require bearing of arms, and, in the recent case of *Girouard* v. *United States*, the Supreme Court reversed a long line of decisions which had held that bearing arms was implied in the oath.[7]

An alien enemy may be naturalized during wartime if his declaration of intention was made at least 2 years prior to the beginning of the war, or if he was then entitled to citizenship without declaration of intention, or if his petition for naturalization was pending. The President may, in his discretion, except an alien enemy from classification as such.

While the general residence requirement is 5 years in the United States, the noncitizen spouse may be naturalized with shorter residence

[6] Sec. 4 (a), Public Law 759, 80th Cong.
[7] See ch. 7, this part, p. 747.

requirements, or, in the case of the spouse of an American citizen residing abroad in the employ of the Government or certain private corporations, when no residence prior to date of petition is required. In certain exceptional cases the requirement for continuous residence prior to naturalization is waived, as in the case of employment by the Government outside of the country, or absence from the country of a regularly ordained clergyman or nun when such absence is temporary and solely in a professional capacity.

4. HOW CITIZENSHIP MAY BE LOST

Both a native-born and a naturalized citizen may lose citizenship by a number of methods and procedures, among which are the following:

(1) Obtaining naturalization in a foreign state or taking an oath or making an affirmation or other formal declaration of allegiance to such foreign state; or making a formal renunciation of nationality before any diplomatic or consular officer of the United States in a foreign state.

(2) Entering or serving in the armed forces of a foreign state unless expressly authorized by our laws, if he has or acquires the nationality of the foreign state; or accepting or performing the duties of any office, post, or employment under the foreign government for which work only nationals of that government are eligible.

(3) Voting in a political election in a foreign state or participating in an election or plebiscite to determine the sovereignty over foreign territory.

(4) Deserting the armed forces of the United States in time of war, resulting in court martial and dishonorable discharge; or leaving or remaining outside of the United States in wartime or during a national emergency, to avoid draft or military service.

(5) Committing treason, or attempting by force to overthrow, or bearing arms against, the United States, provided such act or acts result in conviction by court martial or by a court of competent jurisdiction; or making a formal written renunciation of nationality in the United States, when the United States is at war, if such renunciation is approved by the Attorney General as not contrary to the interests of national defense.

In addition to the above procedures by which both native-born and naturalized citizens may lose citizenship, a naturalized citizen may also forfeit his naturalized status by performing the following act or acts:

(1) Obtaining naturalization by fraud or illegality.

(2) Residing for 2 years in the territory of a foreign state of which he was formerly a national or a native, if by such residence he acquires the nationality of such country by operation of its law.

(3) Returning to the country of birth or going to any other foreign country and taking up permanent residence there within 5 years of naturalization, which action is considered prima facie evidence of lack of intention to become a permanent citizen at the time of filing petition for naturalization.

(4) Residing continuously for 3 years in such territory, or continuously for 5 years in any other foreign state, except for certain specified residence, such as:

(*a*) Residence abroad to represent the American Government or a bona fide American business or philanthropic organization;
(*b*) Residence for study, not exceeding 5 years;
(*c*) Residence to be with the spouse or parent who is a citizen residing abroad for certain specified reasons;
(*d*) Residence abroad after 65 years of age, if naturalization and residence in the United States of not less than 25 years preceded such residence abroad.

In addition, there is a presumption of expatriation against a national born in the United States or born outside of the United States of a parent born in the United States, when such national remains for 6 months or longer in the country of which he or either of his parents has been a national.

5. HOW CITIZENSHIP MAY BE REGAINED

A person who has been expatriated by the expatriation of his parent or parents may be naturalized by petitioning therefor before reaching the age of 25. A woman who has lost citizenship solely by reason of marriage to an alien may be repatriated by returning to the United States and filing a petition for naturalization. If she had been a United States citizen by birth and has lost her citizenship solely by marriage to an alien and the marriage has terminated, she may be repatriated by taking the oath of allegiance either abroad before a diplomatic or consular officer of the United States or before the judge or clerk of a naturalization court in the United States. A person who has lost citizenship by serving in the armed forces of a foreign state may be repatriated by entering this country as a nonquota immigrant, if abroad, and petitioning for repatriation, without filing a declaration of intention or fulfilling residence requirements. One who has served with an ally in World War II may be repatriated abroad.

6. REGISTRY OF ALIENS

All aliens must be registered upon entry into the United States. Aliens not ineligible to citizenship who arrived before the requirement for a record of admission for permanent residence [8] may establish the same by proper showing, upon which the alien shall be deemed to have been lawfully admitted for permanent residence as of the date of his entry.

7. PENALTIES

The penalty provisions of section 346 (a)–(h), (1) of the Nationality Act were repealed by section 21 of the act of June 25, 1948,[9] which enacted the Criminal Code into positive law. The same act, by chapter 69, provides penalty fines of $5,000 and/or imprisonment for 5 years for violations specifically enumerated, including, among others, procuring naturalization unlawfully, making false statements on behalf of any applicant for naturalization, forging documents, and overcharging specified fees or moneys. Section 1015 of that act prohibits making of false statements, illegal use of naturalization papers, and provides the same fine and penalties as in chapter 69.

[8] July 1, 1924.
[9] 62 Stat. 683 et seq.

CHAPTER II

SUMMARY OF STATISTICS ON NATURALIZATION

A. General

In the last 40 years more than 6,000,000 aliens have become citizens through the process of naturalization.[10] Detailed naturalization statistics for the United States began with the fiscal year 1907. Prior to that time, each court kept records of naturalizations but no national data were compiled. Since that time, however, statistics have been kept in connection with most phases of naturalization activities. Some of these statistics have been used in this report and appear in the appendix. Certain aspects of these compilations require the emphasis of comment.

Beginning with the fiscal year 1907, 6,386,447 aliens had been naturalized, through June 30, 1948.[11] During this same period 8,053,615 declarations of intention and 6,867,794 petitions for naturalization were filed.[12] The year 1944 represented the peak of naturalization. In that year 441,979 persons were naturalized.[13]

It is significant to note that while there was a considerable increase in naturalization at the time of each of the World Wars, the greatest activity in naturalization shown since 1907 was during the years of World War II. During the fiscal years 1942 to 1945, 1,262,678 persons were naturalized.[14] This represents more than 19.9 percent of the total naturalization from 1907 to 1948. Even so, it should also be noted that naturalization during the fiscal year 1948 reached its lowest ebb since the fiscal year 1911.[15]

As of 1940, 96.7 percent of the total population were citizens.[16] This represents an increase of 1.8 percent since 1930. Of the white population, 89.6 percent were citizens in 1940.[17] That same group contains naturalized citizens totaling 5.7 percent. The foreign-born naturalized citizens as a whole totaled 5.5 percent.[18]

B. By Country of Origin

Even though the number of persons naturalized in 1948 was the smallest since the fiscal year 1911, the statistics for that year contain some interesting information. For instance, Italy had the greatest number of persons naturalized in 1948, in spite of the fact that the quota provisions of the Immigration Act of 1924 limit Italian immi-

[10] Dr. Henry B. Hazard in an address given before National Council on Naturalization and Citizenship at New York City, March 26, 1947.

[11] The figure is based on Dr. Hazard's statement (see note 1 above) plus the number naturalized in the fiscal years 1947 and 1948. See appendix XIV, table 1, p. 916.

[12] Statistics for the period 1907–47 were gained from the publication of the U. S. Bureau of the Census, the Statistical Abstract of the United States: 1948 (sixty-ninth edition) p. 113 while the statistics for 1948 which were added to give the totals above were gained from table 37 of the Annual Report of the Immigration and Naturalization Service for 1948.

[13] Annual Report of the Immigration and Naturalization Service, 1948, table 37.

[14] Id.

[15] See the Annual Report of the Immigration and Naturalization Service for 1948, table 37.

[16] U. S. Bureau of the Census, Sixteenth Census of the United States, Population, Second Series, U. S. Summary, p. 4, table IV.

[17] Ibid., p. 24, table 10.

[18] Ibid., p. 4, table IV.

gration to a much greater extent than it does English, German, Irish, or Polish immigration. However, of those Italian persons naturalized in 1948, the largest number entered in the decade 1920 to 1929. This was true of all the countries combined as well, for out of the 70,150 naturalized in 1948, 24,755, or about 35 percent, entered the United States in the decade of the 1920's.[19]

Statistics are also available concerning the percentage of foreign-born white persons by country of origin who have been naturalized, and the rank of each country by the percentage of its total foreign-born who have been naturalized. These statistics are available for the three census periods 1920, 1930, and 1940. Every country listed, it will be noted, had higher percentages of the naturalized persons born there and resident in the United States in 1940 than the same country did in 1920.[20] The greatest increase in naturalization between 1920 and 1940 was made by Greek immigrants. In 1920, 16.8 percent of the Greek immigrants were naturalized. In 1940, 58.4 percent of the same group had been naturalized.[21] The top-ranking country of persons originating there, but later becoming naturalized citizens of the United States, was Denmark in 1930 and 1940, and Germany in 1920.

Further statistics are available showing the decrease in the number of aliens by country of origin since the enactment of the Alien Registration Act of 1940. These statistics show that a larger percentage of the Czechoslovakian and Yugoslavian aliens have been naturalized since the registration than have the immigrants from the other countries. The immigrants from Mexico showed the least tendency to become naturalized citizens in the 4 years following the registration. Only 4.7 percent of the Mexican aliens who registered in 1940 were naturalized by June 30, 1944.[22]

Immigrants from the enemy nations of World War II who were naturalized during the war numbered 387,772.[23] Chief among these nations in the number of immigrants naturalized during that period were Germany and Italy. Japan, due to the racial eligibility laws, had only 50 persons naturalized in that period. German immigrants naturalized during the World War II years considered totaled 137,853, while Italian aliens naturalized during the same period numbered 203,170.[24] Immigrants from these two countries formed 88.1 percent of all the aliens of enemy nationalities naturalized during World War II.

Italian immigrants outnumbered the German immigrants in number of naturalizations during the war period with the exception of 1945. The peak year of naturalization for the immigrants from both countries was 1944, when 106,626 Italians became American citizens and 62,274 Germans were naturalized.

C. By Age Groups

Statistics are available which show the age of the persons naturalized in the fiscal years 1940 to 1948.[25] In 1940 through 1943 the

[19] See chart, appendix XIV, table 2, p. 918.
[20] See chart, appendix XIV, table 3, p. 919.
[21] Id.
[22] See chart, appendix XIV, table 4, p. 920.
[23] The sum of the statistics for the fiscal years 1942, 1943, 1944, and 1945. See chart, appendix XIV, table 5, p. 921.
[24] Id.
[25] See chart, appendix XIV, table 6, p. 921.

age group at which most persons were naturalized was the 36 to 40 age group. In 1944, it was the 41 to 45 age group. In 1945 more aliens between the ages of 51 and 55 were naturalized than in any other age group. The same was true in 1946. In 1947, however, the predominant age group was the 41 to 45 age group. In 1948 it was the 46 to 50 age group.

The largest of the foreign-born groups, of course, is the foreign-born white group. When the 1940 census was taken, the largest number of persons naturalized was in the 50 to 54 age group. It should be remembered, however, that these statistics are not readily comparable with those of the previous paragraph, since one deals with current naturalization, while the other deals with all naturalization prior to a given date.

D. Judgments of Naturalization Revoked

Since 1937, 6,888 judgments for naturalization have been revoked for one reason or another.[26] Greatest activity in this field was in the period 1937 through 1941. There were more revocations of naturalizations in 1938 than in any previous year since the statistics were first collected in 1907. Revocation activity in 1947 had dropped from the peak in 1938 to its lowest point since 1907. In 1938, 1,085 judgments were revoked, while only 94 were revoked in 1947.[27]

The great majority of the judgments revoked resulted from fraud. Under this general category, the major cause for revocation was the establishment of permanent residence abroad within 5 years after naturalization, since the act imputes fraud in the procurement of citizenship in such cases. This cause accounted for 5,314 of the revocations for the period 1937 to 1948 out of a total of 6,888 revocations.[28] Revocation for this reason reached its highest point in 1941, when, out of a total of 1,055 revocations, 897 naturalizations were so revoked.

E. Loss of Nationality

Statistics on loss of nationality, together with the reasons therefor, are available for the fiscal years 1945 through 1948. The numbers and reasons for such loss vary from year to year. In 1945, for instance, 1,936 persons lost their nationality. In 1946 the figure reached 6,758. In 1947 it was 1,113, and in 1948 it was 6,779.[29]

In 1945 the chief reason for loss of nationality was naturalization in or the taking of an oath of allegiance to a foreign state. The chief cause of loss of nationality in 1948, however, was the voting in a foreign political election or plebiscite. Another factor causing loss of nationality which assumed large proportions statistically was the entering or serving in the armed forces of a foreign state. In this category no figures are available showing the recovery of citizenship by the person so serving after he had ended his service in a foreign armed force.

F. Denial of Naturalization

Naturalization has been denied for many reasons. Judging by the statistics available for the fiscal years 1944 to 1948, the chief reasons

[26] See charts, appendix XIV, tables 7 and 8, p. 922.
[27] Id.
[28] Id.
[29] See chart, appendix XIV, table 9, p. 923.

are (1) death before petition is disposed of, (2) petitioner's motion for discontinuance, (3) petitioner is already a citizen, and (4) want of prosecution by the applicant.[30] More petitions have been rejected because of the petitioner's own acts (items 2 and 4) than for any restriction imposed by law. The preponderance of such denials over the restrictive denials is impressive. In 1947, for instance, 2,718 petitions were denied for want of prosecution out of a total of 3,953 denials for all causes.[31] Of the restrictions imposed by law, the one most frequently invoked was that which denied the applicant naturalization if he were "not of good moral character."

G. Naturalization of Special Classes

By far the largest number of persons naturalized by reason of special provisions is that group who are married to United States citizens. Sections 310, 311, and 312 of the act cover such cases. Of the total number naturalized in each year, approximately 30 percent were naturalized by virtue of these provisions in 1945, 26.6 percent in 1946, 28.7 percent in 1947, and 41 percent in 1948.[32] The next largest group in 1945 and 1946 was that under the wartime sections 701 and 702, relating to persons naturalized while serving in the United States armed forces in World War II.

H. Derivative Citizenship

A considerable number of persons each year receive certificates of derivative citizenship under the provisions of section 339. In the fiscal years 1941 to 1948, inclusive, 166,482 such certificates were issued.[33]

The year of greatest activity was 1943. In that year 30,122 applications were filed. The next year 36,843 certificates were issued. This was also the largest total for any of the years involved.[34] Top year in certificates issued due to birth abroad of a child of citizen parents was 1947, when 2,991 such certificates were issued.

Statistics on the number of applications denied are available only for the fiscal years 1945 and 1946. In 1945, 1,711 applications were denied. This was 1,020 more than were denied in 1946.

I. Citizenship Training

Section 327 (c) authorizes the Commissioner to promote training and instruction in citizenship. Statistics are available showing the number of persons naturalized in a given year who had attended citizenship classes or enrolled in home-study courses. These statistics cover only the fiscal years 1946, 1947, and 1948, and the first 11 months of the fiscal year 1949. In that period a total of 88,421 persons took advantage of the courses offered.[35] Those who attended citizenship classes totaled 78,770 persons, with the remainder taking the courses in home-study.[36] The number of those naturalized per-

[30] See chart, appendix XIV, table 10, p. 923.
[31] Id.
[32] Percentages were computed on the basis of statistics appearing on p. 924 of appendix XIV.
[33] See chart, appendix XIV, table 12, p. 924.
[34] Id.
[35] See chart, appendix XIV, table 13, p. 924.
[36] Id.

sons who had attended citizenship classes prior to their naturalization has decreased since 1946. However, the percentage that those persons who attended citizenship classes form of the total number of persons naturalized in each year has increased. For instance, of the total number naturalized in 1947, 19.1 percent had attended citizenship classes; in 1948 the percentage was 24.9.[37]

[37] Computed from the statistics appearing on p. 924 of appendix XIV.

CHAPTER III

WHO ARE CITIZENS

A. By Birth in the United States

By far the largest number of citizens belong to that group who acquired citizenship by birth in the United States, which by definition in the Nationality Act includes Alaska, Hawaii, Puerto Rico, and the Virgin Islands. In 1940 more than 91 percent of all persons residing in the United States as so defined were native-born, and therefore citizens at birth. For this group it is immaterial whether the parents are citizens or aliens, nor does race or ethnic origin have any bearing on the matter. The only exception, of course, is that the person must be subject to the jurisdiction of the United States. By common law and court decision, this has been interpreted to exempt children born in the United States to parents in the diplomatic service of a foreign state. Formerly it also included members of an Indian, Eskimo, or Aleutian tribe, but these persons are now by law citizens at birth. Citizenship is also the birthright of a child of unknown parentage found in the United States until it is shown that he was not born therein.

The law is well settled that certain restrictions placed on naturalized citizens, both before and after their naturalization, do not apply to native-born persons. Thus, in the case of *United States* v. *Wong Kim Ark*,[38] it was held that a Chinese person born in the United States of alien resident Chinese parents, who were themselves racially ineligible to citizenship, was a United States citizen at birth, and the fact that he belonged to a race then ineligible to citizenship by naturalization did not control.

This broad common law, constitutional,[39] and statutory provision that all native-born persons, except those born of parents who are in the diplomatic service of foreign states, are citizens at birth has given rise to situations which have brought forth suggestions from consular officers stationed abroad that native-born American citizens living abroad should be required to register or return to the United States at stated intervals, in order to preserve American citizenship. Cases are on record where a native-born child has been taken abroad by his naturalized parents where the child has been reared and educated in the foreign country. To all intents and purposes he is an alien, but his native American citizenship cannot be taken from him, and years later he can, and often does, demand and receive the protection and rights of an American citizen abroad. While it is recognized that situations such as this can create difficulties, it must also be kept in mind that citizenship at birth is as near a vested right as the individual citizen has, and that it is one which is to be protected and preserved.

[38] 169 U. S. 649 (1898).
[39] Constitution of the United States, fourteenth amendment.

B. By Birth in the Territories and Possessions

The determination of the citizenship status of persons born in and living in our Territories and possessions is a complicated problem, because in almost every case of admission as a Territory or annexation as a possession, the treaty, law, or mandate governing the case is different in some respects from that governing a case from another Territory or possession. This confusion was simplified to some extent by the Nationality Act of 1940, which defines the term "United States" as meaning "the continental United States, Alaska, Hawaii, Puerto Rico, and the Virgin Islands of the United States." [40] This definition, together with the provision in section 201 that "a person born in the United States, and subject to the jurisdiction thereof" is a national and citizen of the United States at birth, establishes the citizenship of all persons born in the "United States" as so defined, since the effective date of the Nationality Act, January 13, 1941.

At this point, however, the simplification ceases, and determination of status of persons born prior to January 13, 1941, in these Territories and possessions is governed by separate treaties, laws, mandates, and in many instances by departmental determinations which, for all practical purposes, partake of the validity of substantive law or judicial decision. Determination of nationality status of persons living in possessions not included in the United States by definition in the Nationality Act of 1940, such as Samoa and Guam, also presents complicated problems.

It, therefore, is necessary to review, briefly, the several treaties, acts of Congress, and other determinations relating to citizenship, nationality, and status of persons born in and living in our Territories and possessions:

1. TREATIES AND LAWS GOVERNING

a. Alaska

All persons born in Alaska on or after March 30, 1867,[41] except noncitizen Indians, became citizens at birth. All noncitizen Indians born in Alaska after March 30, 1867, became citizens on June 2, 1924.[42] All persons who were inhabitants of Alaska on March 30, 1867, became citizens as of that date, unless they returned to Russia within 3 years to preserve their natural allegiance.

b. Hawaii

Formal transfer of the Hawaiian Islands to the United States was effected on August 12, 1898, and all persons born in the Territory on or after that date acquired United States citizenship as of April 30, 1900,[43] which was the date of incorporation of the Republic of Hawaii as a Territory of the United States.[44] The same act of April 30, 1900, provided that all persons who were citizens of the Republic of Hawaii on August 12, 1898, acquired American citizenship on April 30, 1900.[45]

c. Puerto Rico

The citizenship rights of Puerto Ricans are more complex. The Nationality Act of 1940 designated Puerto Rico as a part of the

[40] Nationality Act of 1940, sec. 101 (d). Wherever the Nationality Act of 1940 is cited in this report, such reference includes the amendments to that act.
[41] The date of the signing of the treaty ceding Alaska to the United States from Russia. See 15 Stat. 539.
[42] 43 Stat. 253.
[43] 31 Stat. 141.
[44] Nationality Manual, sec. 1056.5.
[45] 31 Stat. 141; 48 U. S. C. 491.

United States,[46] although Puerto Rico has not been incorporated into the Union, as have Alaska and Hawaii. The Nationality Manual of the Immigration and Naturalization Service summarizes the situation with reference to citizenship of Puerto Ricans as follows:

> Prior to January 13, 1941, Puerto Rico was regarded for many purposes as similar to foreign territory in determining whether United States citizenship was acquired at birth therein. Thus, a person born in Puerto Rico prior to May 24, 1934, could acquire United States citizenship at birth if his father was, at the time of such birth, a citizen of the United States. If birth occurred on or after May 24, 1934, but before January 13, 1941, United States citizenship could be acquired at birth if his father or his mother was, at the time of such birth, a United States citizen. The acquisition of United States citizenship at birth during both periods in such cases was dependent on prior residence by the citizen parent in continental United States at any time, or in Alaska on or after March 30, 1867, Hawaii on or after August 12, 1898, Puerto Rico on or after April 11, 1899, or the Virgin Islands of the United States on or after January 17, 1917.[47]

In addition to the above-enumerated conditions for acquiring United States citizenship in Puerto Rico, there were several statutes of short duration which modified these general statements and provisions. However, they would be applicable in relatively few cases now, and it is not thought necessary to enumerate or explain them in detail here.

Section 202 of the Nationality Act provides that all persons born in Puerto Rico on or after April 11, 1899, subject to the jurisdiction of the United States, and residing in Puerto Rico on January 13, 1941, or residing on that date in other territory over which the United States exercises rights of sovereignty, and who are not citizens under any other act are declared to be citizens of the United States.

Section 322 provides for extension of time indefinitely to allow a person born in Puerto Rico of alien parents to make declaration of citizenship in the United States.

d. Virgin Islands

The Virgin Islands, like Puerto Rico, have not been incorporated into the Union. They were purchased from Denmark by treaty ratified January 17, 1917,[48] which provided that Danish citizens resident in the islands would have 1 year after ratification in which to elect to preserve their Danish citizenship. In the absence of such affirmative election, such persons were to be deemed American nationals. The treaty also provided that Congress should determine the civil rights and political status of the inhabitants, which was done by the act of February 25, 1927.[49] Section 3 of that act provided that:

> All persons born in the Virgin Islands of the United States on or after January 17, 1917 (whether before or after the effective date of this Act), and subject to the jurisdiction of the United States, are hereby declared to be citizens of the United States.

The Nationality Act of 1940[50] includes the Virgin Islands in the term "United States" so that all persons born therein after January 13, 1941, are citizens at birth.

e. American Samoa, Guam, Swain's Island

The status of persons born in American Samoa, Guam, or Swain's Island is controlled by sections 201 and 204 of the Nationality Act,

[46] Nationality Act of 1940, sec. 101 (d).
[47] Nationality Manual, sec. 363.63.
[48] 39 Stat. 1706.
[49] 44 Stat. 1234.
[50] Sec. 101 (d).

i. e., a child born of citizen parents is a citizen at birth; a child born of parents one of whom is a citizen who had resided in the United States or in an outlying possession prior to the birth, is a citizen at birth; and a child born of parents one of whom is a national but not a citizen is a national but not a citizen at birth.

Persons born in Guam after April 11, 1899, in Samoa on or after February 16, 1900, or on Swain's Island on or after March 4, 1925, but prior to January 13, 1941, were nationals at birth if the parents were nationals at that time.

2. STATISTICS

The population statistics of our Territories and possessions are important for several reasons. In the first place, the foreign-born population therein is composed of peoples some of whom are racially ineligible to naturalization. If such ineligibility is removed as is recommended in this report, there will be large groups of residents who can then become citizens of the United States. An example is the group of 37,353 foreign-born Japanese in Hawaii, comprising 8.8 percent of the entire population of the islands.

a. Alaska

The population of the Territory of Alaska is preponderantly white. Of a total population of 72,524 in 1939, 63,392 were native-born and 9,132 were foreign-born.[51] Of the 63,392 native-born, 30,384, or almost 50 percent, were white; and of the 9,132 foreign-born, 8,786 were white.[52]

The population of Alaska in 1939 was divided as follows:[53]

	Native	Foreign-born	Percentage of total population	
			Native	Foreign-born
White	30,384	8,786	41.7	12
Aleut	5,597	2	7.7	----------
Eskimo	15,541	35	21.0	----------
Indian	11,110	173	15.0	----------
Japanese	149	114	----------	----------
Other races	611	22	1.0	----------

In the fiscal years 1944 to 1948, inclusive, 850 aliens were naturalized in Alaska.[54] This represents almost 10 percent of the foreign-born population in 1939.

b. Hawaii

The Territory of Hawaii contains within its borders a greater mixture of races than is to be found in any other Territory or possession. The census for 1940 lists a total population of 423,330, of which 370,717 were native-born and 52,613 were foreign-born.[55] Ethnically the population was divided as follows:[56]

[51] U. S. Bureau of the Census, Statistical Abstract of the U. S.: 1948 (sixty-ninth edition). Washington D. C., 1948, p. 57.
[52] Id.
[53] Statistics appearing in the chart were gained from the U. S. Bureau of the Census, Statistical Abstract of the U. S.: 1948 (sixty-ninth edition). Washington, D. C. 1948, p. 57. The percentages were computed by members of the staff of the subcommittee.
[54] Annual Report of the Immigration and Naturalization Service for 1948, table 44.
[55] U. S. Bureau of the Census, Statistical Abstract of the U. S.: 1948 (sixty-ninth edition). Washington, D. C., 1948, p. 58.
[56] Statistics for this chart were gained from the same place as those cited in footnote 55. Percentages, however, were computed by members of the staff of the subcommittee.

	Native	Foreign-born	Percentage of total population	
			Native	Foreign-born
White	95,840	7,951	22.6	1.4
Japanese	120,552	37,353	28.4	8.8
Hawaiian	14,375	----	3.4	----
Part Hawaiian	49,908	27	11.8	----
Chinese	23,930	4,844	5.6	1.0
Filipino [1]	52,569	----	12.4	----
Other races	13,543	2,438	3.2	.5

[1] All Filipinos listed as native.

Thus it will be seen that 87.4 percent of the population is native-born, 11.7 percent is foreign-born, and that the largest single group is that of the native-born Japanese, with native-born whites ranking second. It will also be noted that all Filipinos are listed as natives and that this group comprises 12.4 percent of the total population. It is undoubtedly true that many of these Filipinos are, in fact, not natives of Hawaii, but have come in from the Philippines.

In the fiscal years 1944 to 1948, inclusive, a total of 3,646 aliens were naturalized in the Territory of Hawaii.[57] This represents approximately 6.5 percent of the total alien population in 1940.

c. Puerto Rico

The census statistics for 1940 give a total population of 1,869,255 for Puerto Rico.[58] There were 1,426,055 native whites and 4,689 foreign-born whites; 438,161 native nonwhites and 350 foreign-born nonwhites.[59] In other words, the native white population comprised more than 76 percent; the foreign-born whites comprised less than 1 percent; and the native nonwhites comprised 22 percent of the entire population. The 350 foreign-born nonwhite was a negligible group, percentagewise.

In the fiscal years 1944 to 1948, inclusive, 577 aliens were naturalized in Puerto Rico.[60]

d. Virgin Islands

Statistics on the population and racial composition of the Virgin Islands are not as complete as those obtainable for the Territories. The Bureau of the Census estimates the population at 27,200 as of July 1, 1947. In 1940, the Census Bureau reports showed the following racial composition: [61]

	Percent
White	9
Negroes	69
Mixed and other [1] races	22

[1] "Other" races are nonwhites, other than Negroes, plus Chinese and Hindus.

Other reports indicate that the Negro population of the islands is as high as 90 or 95 percent.[62]

During the 4-year period of 1944–48, 319 aliens were naturalized.[63]

[57] Annual Report of the Immigration and Naturalization Service for 1948, table 44.
[58] U. S. Bureau of the Census, Statistical Abstract of the U. S.: 1948 (sixty-ninth ed.). Washington, D. C., 1948, p. 59.
[59] Id.
[60] Annual Report of the Immigration and Naturalization Service for 1948, table 44.
[61] Information report, prepared by the government of the Virgin Islands in cooperation with the Department of the Interior, Washington, D. C., The Virgin Islands of the United States, June 1948, p. 6.
[62] U. S. Department of the Interior, Division of Territories and Island Possessions, General Information on the Virgin Islands of the United States, November 1948, p. 3, and October 1948, p. 4.
[63] Annual Report of the Immigration and Naturalization Service for 1948, table 44.

C. By Birth Outside the United States

Citizenship at birth is also conferred in certain instances on persons born outside the United States as defined in the Nationality Act. In all such cases, however, the act provides that one parent must have had prior residence in the United States or one of its outlying possessions, and must be a citizen at the time of the birth.[64]

1. PROVISIONS OF EXISTING LAW

Subsection (c) of section 201 of the Nationality Act of 1940 gives United States nationality and citizenship at birth to persons born outside the United States, both of whose parents are United States citizens and one of whose parents has resided in the United States or its outlying possessions prior to the birth of such person. "Outlying possessions" has been defined to mean all territory not included within the term "United States" over which the United States exercises rights of sovereignty, except the Canal Zone.[65] Subsection (d) confers nationality and citizenship at birth on a person born outside the United States or its outlying possessions, one of whose parents is a United States citizen who had resided in the United States or its outlying possessions prior to the person's birth and the other parent of whom is a United States national but not a United States citizen.

If the person is born in an outlying possession, one of his parents must be a citizen and must have resided in the United States or one of its outlying possessions prior to the person's birth in order for that person to be a United States national and citizen at birth. This is by virtue of subsection (c) of section 201.

Subsection (g) provides for United States nationality and citizenship at birth for a person born outside the United States and its outlying possessions, one of whose parents is an alien and the other a citizen who, prior to the person's birth, has had 10 years' residence within the United States or its outlying possessions, 5 of which were after attaining the age of 16 years. In this case, however, certain conditions are imposed upon the citizenship gained at birth by such child. One of these is that the child who gains such citizenship must reside within the United States or an outlying possession for a period or periods totaling 5 years, such period to be totaled from residence in the United States or its outlying possessions between the ages of 13 and 21. This subsection further provides that a person gaining United States nationality and citizenship loses his American citizenship automatically by not residing within the United States or its outlying possessions the requisite number of years, or if he has put himself in such a position at 16 years of age that he cannot so reside. The statute does not provide that the child will lose his American nationality that he gained at birth, but only that he will lose his American citizenship. Since a national is defined as one who owes "permanent allegiance to a state" [66] and since the child does not lose his nationality, it may be concluded that even though divested of his American citizenship, the child maintains his allegiance to the United States. This conceivably could subject him to later military service. Since the act also says

[64] Nationality Act of 1940, sec. 201 (c), (d), (g), and (i).
[65] Ibid., sec. 101 (e).
[66] Ibid., sec. 101 (a).

that the term "national of the United States" does not include an alien,[67] such persons as previously described are not aliens whose ingress and egress is curtailed.

Subsection (h) limits the provisions of subsection (g) to children born abroad subsequent to May 24, 1934.

Subsection (i) gives United States nationality and citizenship at birth to children born of parents one of whom is an alien and the other a citizen of the United States, if the citizen has served in the armed forces of the United States between December 7, 1941, and the termination of hostilities as proclaimed by the President.[68] This subsection also requires that the citizen parent shall have resided in the United States a total of 10 years, 5 of which were after reaching the age of 12 years. In this subsection, as in subsection (g), the child so gaining citizenship at birth must reside in the United States or its outlying possessions a total of 5 years between the ages of 13 and 21 years, or he forfeits his American citizenship. In this subsection, as in subsection (g), the child loses his American citizenship if he fails to comply with the residence requirements, but no mention is made of the loss of the nationality conferred upon him at birth. The conditions imposed on the citizenship granted by subsection (g) do not apply to a child whose citizen parent is residing abroad solely or principally in the Government's employ or in the employ of a bona fide American educational, scientific, philanthropic, religious, commercial, or financial organization, having its principal office or place of business in the United States, or an international agency of an official character in which the United States participates, for which he receives a substantial compensation.

2. SPECIAL LEGISLATION

a. Canal Zone

The Canal Zone is territory leased by the United States in perpetuity under a treaty with the Republic of Panama signed November 18, 1903, and ratified February 26, 1904.[69] The Canal Zone is not included in the United States, its Territories, or possessions by the Nationality Act, and, in fact, is expressly excluded, under the provisions of section 101 (e).

A person born in the Canal Zone is a citizen at birth under the following conditions:

(1) If the birth occurred prior to May 24, 1934, and the father was, at the time of the birth, a United States citizen.

(2) If the birth occurred on or after May 24, 1934, but prior to August 4, 1937, and either parent, at the time of the birth, was a United States citizen.

(3) If the birth occurred on or after August 4, 1937, and either parent was, at the time of the birth, a United States citizen, whether or not such parent had prior residence in the United States.

In (1) and (2) above, the citizen-parent must have resided in the United States, Alaska, Hawaii, Puerto Rico, or the Virgin Islands prior to the birth.

Section 203 (a) of the Nationality Act declares that any person born in the Canal Zone on or after February 26, 1904, of citizen parent or parents, is a citizen as of January 13, 1941. All persons born in the

[67] Ibid., sec. 101 (b).
[68] December 31, 1946.
[69] 33 Stat. 2234.

Canal Zone of citizen parent or parents, after January 13, 1941, are citizens at birth.

It has been held that all citizens of the Republic of Panama who were residing in the Canal Zone on February 26, 1904, and who did not affirmatively preserve their citizenship in the Republic of Panama, became nationals but not citizens on February 26, 1904.[70]

b. Republic of Panama

Section 203 (b) of the Nationality Act declares that any person born in the Republic of Panama (as distinguished from the Canal Zone, covered in sec. 203 (a)) on or after February 26, 1904, of citizen parent or parents employed by the United States Government or by the Panama Railroad Company at the time of the birth, is a citizen as of January 13, 1941. All such persons so born in the Republic of Panama after January 13, 1941, are citizens at birth.

c. The Philippine Islands

Since the Philippine Islands are now an independent, sovereign nation, a discussion of their prior status is necessary only as it relates to persons still owing some allegiance to or claiming nationality rights under the United States.

The Philippine Islands were acquired by the United States from Spain by treaty with Spain ratified April 11, 1899, and acquired full and complete independence on July 4, 1946. Prior to the latter date, citizens of the Philippines were noncitizen nationals of the United States.

Prior to July 2, 1946, section 324 (a) provided that "a person, *including a native-born Filipino*, who has served honorably" in the armed services or Coast Guard for 3 years may be naturalized without residence requirements. The act of July 2, 1946,[71] repealed the italicized words, supposedly taking from Filipinos the privileges of this section.

Public Law 190 of the Seventy-ninth Congress[72] provides for 2- or 3-year enlistments in the Regular Army. Under this law some 2,000 Philippine Scouts enlisted in the so-called Ryukyus Command and served or are serving 3-year enlistments. About half of this number are currently serving in the Regular Army, and, according to a statement from the Department of the Army, "are therefore citizens or have applied for citizenship."

3. ILLEGITIMATE CHILDREN

A foreign-born illegitimate child born of parents at least one of whom was a citizen of the United States at the time of the birth of the child becomes a citizen if (1) the child's paternity is established by legitimation or adjudication of a competent court or (2) the mother was a United States citizen at the time of the child's birth and had previously resided in the United States or one of its outlying possessions.[73] The establishment of legitimation is a matter of complying with the laws of the place of legitimation. If the legitimation is perfected in one State, it is generally good everywhere. As a general

[70] 26 Op. Atty. Gen. 376 (1907).
[71] Public Law 483, 79th Cong.
[72] Act of October 6, 1945.
[73] Nationality Act of 1940, sec. 205.

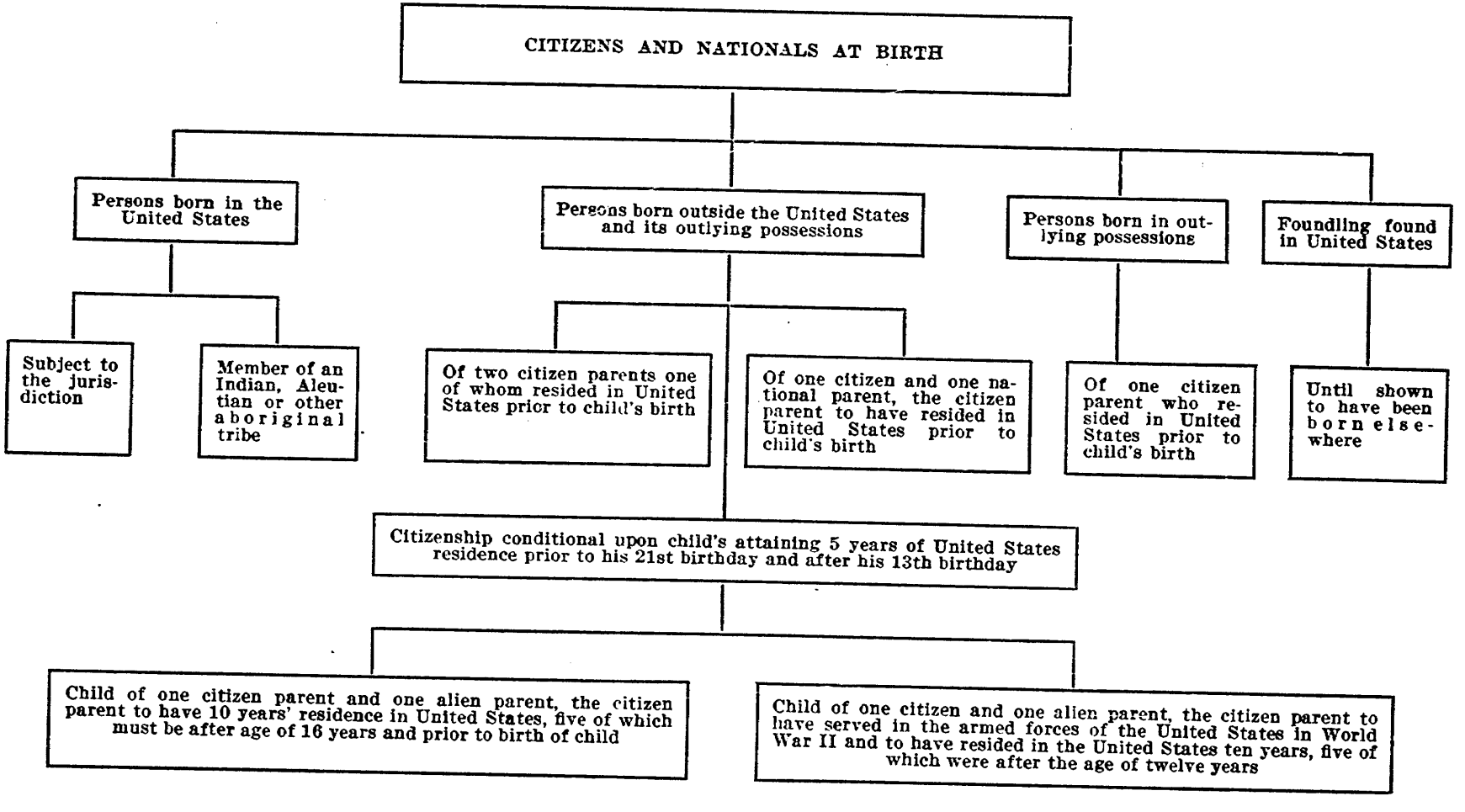
proposition, legitimation is accomplished by the marriage of the parents with acknowledgment of paternity by the putative father. The effect of legitimation is retroactive and the legitimatized child gains the full rights of a legitimate child as of the date of birth. For the purposes of naturalization, however, under section 205 of the Nationality Act, legitimation must be effected during minority.

Upon attaining the age of 18, an illegitimate child may upon his own motion file a declaration of intention and upon compliance with all of the other qualifications required of any applicant may proceed to naturalization.

As the naturalization law now stands those legitimated children who come within the provisions of section 201 (c), (d), (e), and (g), and of subsections (a) and (b) of section 204 are citizens and nationals at birth. However, subsection (i) of section 201 is not covered by section 205. Thus, the foreign-born illegitimate child of a serviceman who had not attained his majority prior to the time of his service abroad could not be naturalized by petition of the mother or by legitimation proceedings. It is difficult to perceive of a reason why this condition should continue to exist.

The following chart shows graphically the status of the several groups who acquire nationality and citizenship at birth:

SECTION 201


CITIZENS AND NATIONALS AT BIRTH
Persons born in the United States
Subject to the jurisdiction
Member of an Indian, Aleutian or other aboriginal tribe
Persons born outside the United States and its outlying possessions
Of two citizen parents one of whom resided in United States prior to child's birth
Of one citizen and one national parent, the citizen parent to have resided in United States prior to child's birth
Persons born in outlying possessions
Of one citizen parent who resided in United States prior to child's birth
Foundling found in United States
Until shown to have been born elsewhere
Citizenship conditional upon child's attaining 5 years of United States residence prior to his 21st birthday and after his 13th birthday
Child of one citizen parent and one alien parent, the citizen parent to have 10 years' residence in United States, five of which must be after age of 16 years and prior to birth of child
Child of one citizen and one alien parent, the citizen parent to have served in the armed forces of the United States in World War II and to have resided in the United States ten years, five of which were after the age of twelve years

D. By Naturalization—Qualifications for

The naturalization laws provide for granting citizenship to resident aliens who meet the four general requirements therefor; i. e., racial eligibility, good moral character and attachment to the Constitution, residence, and ability to speak English.

1. RACIAL ELIGIBILITY

The first qualification, that of racial eligibility, is embodied in section 303, which enumerates the races of peoples who have a right to become naturalized citizens. Not included in this enumeration are the Burmese, Japanese, Koreans, Maoris, Polynesians, and Samoans.

The earliest restriction on naturalization was that of race. The First Congress, in an act approved March 26, 1790,[74] provided for naturalization of "any alien, being a free white person." This continued to be the law until 1870, when the Forty-first Congress, by the act of July 14, 1870,[75] extended the naturalization laws to "aliens of African nativity and to persons of African descent."

In 1900 Hawaiians were made eligible to citizenship; in 1917 Puerto Ricans; in 1924 American Indians; in 1927 inhabitants of the Virgin Islands; and in 1940 races indigenous to North or South America. In the case of Hawaiians, Puerto Ricans, and inhabitants of the Virgin Islands, citizenship depended on birth in the respective territory after the acquisition date, so the question of race was not the determining factor. It was simply waived. Granting citizenship to American Indians and to those races indigenous to North and South America, however, was a further removal of racial bars.

Asiatics, then, with the above exceptions, were entirely inadmissible to citizenship by naturalization (except for special provisions relating to those who served in the armed services) until the act of December 17, 1943,[76] took the Chinese out of that category, made the Chinese quota available to Chinese, wherever born, and included the Chinese in the enumerated list of those having a right to naturalization. This was followed 3 years later by the act of July 2, 1946,[77] providing for admission and naturalization of persons belonging to races indigenous to India, and Filipinos, and made the Indian quota available to such Indians, wherever born.

The Chinese became eligible to naturalization late in 1943. In the five fiscal years 1944 to 1948, 3,663 persons who formerly owed allegiance to China have been naturalized, and it is presumed that most of these persons were of the Chinese race.

The Chinese population in the United States in 1940 was 77,504 of which 37,242 were foreign-born.[78] Approximately 10 percent of this latter group, then, was naturalized in the first 5 years of eligibility to naturalization.

The second group of aliens recently made eligible to naturalization—namely, the peoples of India—is much smaller. In 1940 there were only 2,405 Indians in the United States, and of this number only 910

[74] 1 Stat. 103.
[75] 16 Stat. 254.
[76] 57 Stat. 600.
[77] 60 Stat. 416.
[78] U. S. Bureau of the Census, Population, Second Series, Characteristics of the Population, p. 24, table 10.

were native-born, the remaining 1,495 being aliens.[79] The exact number who have been naturalized since they became eligible in 1946 is not known, but it cannot be very large, because only 205 persons listed by country of former allegiance as "other Asians" were naturalized in 1947 and 1948.

The Japanese comprise the largest single racial group presently ineligible to naturalization. Of the 126,947 resident Japanese in 1940 in continental United States, 47,305 were foreign-born and could not become citizens.[80] In Hawaii the Japanese population in 1940 was 157,905, of which 37,353 were foreign-born.[81] Thus there were in 1940 in the continental United States and Hawaii approximately 85,000 resident foreign-born Japanese who could not become naturalized because they were racially ineligible.

The second largest group of persons racially ineligible to naturalization is the Koreans. Most of them—2,390—resided in Hawaii in 1940,[82] but 749 were living in continental United States.[83] There were also 145 Polynesians and "other Asians" who were foreign-born residents.[84] Thus there are residing in the United States and in Hawaii approximately 88,000 aliens who are not eligible to become naturalized because of their race.[85]

Testimony submitted to the subcommittee is to the effect that virtually all of those resident aliens who are racially ineligible to citizenship have been in the United States for a quarter of a century or longer. The median age of foreign-born Japanese in this country is now 49.7 years, as compared with 29 for the population as a whole.[86] Approximately 73 percent of the resident alien Japanese in the United States in 1940 were in the 40 to 64 age group.[87] This alien group was only half as large as the native-born Japanese group in 1940, and is rapidly growing smaller. More than 35,000 of their native-born sons fought in our armed forces in World War II. The combat records of these men are as fine as for any group in any service. Officers who commanded units in which Japanese-American soldiers fought have high praise for their valor and fighting ability. It is their parents who are resident aliens racially ineligible to citizenship. These people have lived in the United States for more than a quarter of a century. They will live here the remainder of their lives. Granting them citizenship will not disrupt the general economic or social pattern in their communities, since they are permanently established. However, granting them the privilege of citizenship will give recognition to their loyalty to our country, and will remove the stigma which they and their children feel at being branded as belonging to a race ineligible to become naturalized citizens.

The evidence and testimony presented to the subcommittee are overwhelmingly in favor of the removal of racial bars to naturalization. It is important to note that racial prejudices have decreased

[79] U. S. Bureau of the Census, Population, Characteristics of the Nonwhite Population by Race, p. 2.
[80] Id.
[81] U. S. Bureau of the Census, Statistical Abstract of the United States: 1948 (Sixty-ninth ed.). Washington, D. C., 1948, p. 58.
[82] U. S. Bureau of the Census, Population, Second Series, Characteristics of the Population, Hawaii, p. 1.
[83] U. S. Bureau of the Census, Sixteenth Census of the United States: 1940, Population, Characteristics of the Nonwhite Population by Race, p. 2.
[84] U. S. Bureau of the Census, Population, Characteristics of the Nonwhite Population by Race, p. 2, and the U. S. Bureau of the Census, Population, Second Series, Characteristics of the Population, Hawaii, p. 1.
[85] Id.
[86] Hearings on H. R. 5004, p. 97 (as certified by the U. S. Bureau of the Census).
[87] Id.

radically in the last quarter of a century in the communities where most of those who are racially ineligible live. The hysteria and fears of the war years have died down. Those who had charge of relocation camps in this country during the war have stated to the subcommittee that the Japanese-American and foreign-born Japanese who were interned during the war exhibited a high degree of cooperation and loyalty.

The arguments which obtain for lifting racial bars to immigration apply with equal force to naturalization. Removal of racial barriers to immigration and naturalization has much to recommend it from the standpoint of improved international relations and prestige. The statements submitted by our consular officers abroad are overwhelmingly in favor of eliminating such bars. These consular officers are unanimous in stating that such action would greatly strengthen international good will by demonstrating that we practice what we preach in the matter of equality of individuals and races.

2. RESIDENCE

The general requirement of residence prerequisite to naturalization is 5 years in the United States and 6 months within the State in which the petitioner resided at the time of the filing of his petition. This residence must be continuous except in the numerous and sundry cases where exception provisions have been made. There have always been residence requirements in our naturalization laws. The act of March 26, 1790,[88] of the First Congress provided for naturalization after 2 years' residence in the United States and 1 year in the State. The next Naturalization Act, that of January 29, 1795,[89] in the Third Congress, increased the length of residence in the country to 5 years. The act of June 18, 1798,[90] extended the residence term to 14 years and it so remained until the act of April 14, 1802, of the Seventh Congress [91] lowered it to 5 years, where it has remained.

Section 307 (a) of the Nationality Act of 1940 requires that a petitioner for naturalization must have resided continuously within the United States for at least 5 years and within the State for at least 6 months immediately preceding the date of filing his petition. This subsection also requires continuous residence within the United States from the date of the petition up to the time of admission to citizenship. Subsection (b), however, provides for exceptions to this general rule by stating that residence abroad of more than 6 months but less than a year shall be presumed to break continuity of residence. This presumption, however, may be overcome by presentation of evidence satisfactory to the naturalization court that there is reasonable cause for not sooner returning to the United States. If the absence is continuous for 1 year or more, the continuity is broken, except in the case of an alien who has resided in the United States for 1 year, who has filed a declaration of intention, and whose absence abroad is by reason of employment by the Government or by an American institution of research or foreign trade recognized as such by the Attorney General. In such cases the alien must prove to the court and to the Attorney General that his absence is bona fide under this subsection.

[88] 1 Stat. 103.
[89] 1 Stat. 414.
[90] 1 Stat. 566.
[91] 2 Stat. 153.

a. Excepted classes of persons

In addition to the above-enumerated exceptions as to continuous residence, certain classes of persons designated in the act are excepted from continuous residence, and in some cases from the general 5-year residence requirement.

(1) *Clergyman or nun*

Section 308 of the act provides that a regularly ordained clergyman or nun, whose absence from the United States is in a professional capacity, shall be considered as residing continuously in the United States, regardless of length of time of such absence. Such an alien must prove to the Attorney General's satisfaction that the absence was in a professional capacity.

(2) *Spouses of citizens*

The residence requirements for naturalization of spouses of American citizens are confusing and variable.

Under section 310 (a) (2), the requirement is 1 year for an alien who married a citizen between September 21, 1922, and May 24, 1934.

If the marriage took place after May 24, 1934, and before January 13, 1941, the requirement is 3 years.[92]

If the marriage took place after the latter date, 2 years' residence is required.[93] This residence requirement also applies in the case of persons who were married to citizen spouses on January 13, 1941, or to an alien spouse naturalized after January 13, 1941. In all such cases, however, the spouses must have lived together in marital union for at least 1 year immediately prior to filing for naturalization.

An alien whose citizen spouse is living abroad and is in the employ of the Government or of an American research institution so recognized by the Attorney General, may be naturalized without any prior residence.[94]

From testimony and memoranda submitted to the subcommittee it would seem that the varying residence requirements for alien spouses of citizens should be made as nearly uniform as possible. Historically, the reason for shortening such residence time is based on the theory that an alien married to a citizen would become Americanized more quickly by living in an American home. There is testimony, however, that the short-time residence provisions of these sections have resulted in some fraud. The subcommittee therefore is recommending substantial changes in the residence requirements of alien spouses of American citizens.[95]

Spouses of United States citizens constitute the largest single group of special classes naturalized. In 1945, 69,526 of the 231,402 persons naturalized were alien spouses of American citizens.[96] In 1946, 40,190 of the 150,062 persons naturalized were alien spouses.[97] In 1947, 27,066 out of 93,904 naturalizations were of spouses of American citizens and in 1948, 28,898 out of 70,150 persons naturalized were spouses, taking advantage of the shortened residence period for naturalization.[98] Thus it will be seen that in 1945, 30 percent; in

[92] Nationality Act of 1940, sec. 310 (b).
[93] Ibid., sec. 311.
[94] Ibid., sec. 312.
[95] See recommendations which follow at the end of this chapter.
[96] Annual Report of the Immigration and Naturalization Service, 1948, table 47.
[97] Id.
[98] Id.

1946, 26.7 percent; in 1947, 28.8 percent; and in 1948, 41.1 percent of all naturalizations were acquired by aliens whose residence for naturalization was cut short from 2 to 4 years because they were spouses of American citizens.

(3) *Children*

An adopted child who has been lawfully admitted and who has been adopted in the United States before reaching 16 years of age may be naturalized before reaching the age of 18, on 2 years' continuous residence.[99] There is pending before the Senate legislation which would eliminate the present requirement of the Nationality Act that the adoption take place in the United States.[1] It is recognized that this provision of the act does, in some instances, work a hardship on citizens who desire to adopt foreign children and bring them to the United States, but it also serves to afford adequate protection against fraudulent foreign adoptions made solely with the idea of gaining United States citizenship for the foreign child.

A person under 25 who has been expatriated through the expatriation of his parent or parents may be naturalized without any period of residence in the United States, but must present proof satisfactory to the court that he intends to reside permanently in the United States.[2]

The number of children who are naturalized under sections 315 and 316 is relatively small. Statistics for 1945 to 1948, inclusive, are to the effect that 964 children were naturalized under sections 315 and 316.[3]

(4) *Military personnel; Coast Guard*

Honorable service in the armed forces or Coast Guard for 3 years at any time entitles an alien to petition for naturalization without completing the full 5 years' residence, if such petition is filed within 6 months of termination of such honorable service.[4]

On June 1, 1948, a new section [5] was added to the Nationality Act, designed to replace the wartime enactments (secs. 701–706). This new section provides for naturalization of an alien who has served honorably in an active-duty status as determined by the executive department under which the service was performed in the military or naval forces, either during World War I or during World War II (between September 1, 1939, and December 31, 1946), or who, if separated, was honorably discharged. A person whose service entitles him to naturalization under this section does not have to fulfill residence requirements within the United States or a State.

3. GOOD MORAL CHARACTER, ATTACHMENT TO THE CONSTITUTION

The same section of the act which sets up the residence requirements for naturalization provides that during such periods of residence the applicant must have been and be at the time of naturalization a person of good moral character, attached to the principles of the Constitution of the United States, and well-disposed to the good order and happiness of the United States.

[99] Nationality Act of 1940, sec. 316.
[1] S. 917, 81st Cong.
[2] Nationality Act of 1940, sec. 318 (a).
[3] Annual Report of the Immigration and Naturalization Service, 1948, table 47.
[4] Nationality Act of 1940, sec. 324.
[5] Ibid., sec. 324A.

These provisions, with some modifications, have been in the naturalization laws almost from the beginning. The first laws provided in one form or another that the applicant aver and prove his good moral character, attachment to the Constitution, and the like. There has grown up a considerable body of law in the court decisions as to what constitutes good moral character and as to what is meant by attachment to the Constitution. Generally, "good moral character" has been interpreted by the courts as meaning that conduct which measures up to the standards of average citizens of the community in which the alien resides. These general qualifications of conduct and morals are difficult to define specifically, although suggestions that this should be done have been made to the subcommittee by various officers of the Immigration and Naturalization Service who have pointed out that such terms should either be defined or be brought in line with the immigration laws which embody the words "moral turpitude."

It is proper at this point in this report to enumerate and review the types of cases in which the Service and the courts have refused to approve petitions for naturalization. The Nationality Manual lists the offenses which have been held to preclude naturalization on the grounds that commission of those offenses does not show good moral character, viz:

Adultery; bigamy; bribery; cruel and inhuman treatment of wife; conducting a disorderly house; embezzlement; extortion prior to statutory period; failure to support infant children; false statements as to citizenship or in naturalization proceedings; fraudulently obtaining relief; grand larceny; manslaughter or murder in the second degree, with conviction and sentence outside the statutory period; nonpayment of debts where contracted with fraudulent intent; nonpayment of fine owing to the Federal Government, when financially able to pay; perjury, conviction and sentence during statutory period, followed by pardon; professional gambling in violation of State laws; smuggling aliens into the United States; prohibition act violations; violation of Sunday closing laws; violations of OPA regulations; and voting continually within statutory period, with full knowledge of noncitizenship.

However, it has been held, either judicially or administratively, that extenuating circumstances would, in certain cases, not preclude naturalization. For instance, where an invalid marriage was contracted in good faith, it has been held that technical adultery would not constitute lack of good moral character so as to preclude naturalization.

There is also confusion in the interpretation of the Service and in court decisions concerning the length of time during which good moral character must be established in cases where the residence requirements are less than the 5-year period required under section 307. This is partly true of those sections granting citizenship to alien spouses of citizens.[6]

The procedures followed in establishing eligibility of a petitioner for naturalization will be discussed hereafter but the subcommittee feels that it should express its conviction at this point that in the matter

[6] There is also confusion as to whether the Government can go behind the 5 years' residence period in determining good moral character and other requisites for naturalization. See Application of Murra, C. C. A. 7th, Dec. 14, 1949 (No. 9809).

of determining good moral character and general attachment to the Constitution more uniform regulations should be employed by the Service and adopted by the court, to the end that a higher general standard of goods morals and personal and political conduct are established.

There is one exception to the general requirements that a person to be naturalized must be of good moral character and that is contained in section 318 which section provides for the repatriation of a person under 25 years of age who was expatriated through the expatriation of his parent or parents. This section provides only that such a person must prove good moral character and attachment to the Constitution "at the time his petition is filed and at the time of final hearing thereon." In other words, since no period of residence within the United States is required, there is no length of time during which such good moral character and attachment must be proved.

4. LITERACY

Section 304 of the act requires that every person naturalized upon his own petition must be able to speak the English language unless he is physically unable to do so. In addition to this statutory requirement, some courts require the applicant to be able to read and write English also, but this practice is by no means universal or general.

The subcommittee has taken considerable testimony on the general problems relating to subversive activities in this country. That testimony is discussed and evaluated in great detail in another portion of this report, but the subcommittee feels that it is pertinent here to restate that this testimony conclusively shows that anti-American and subversive activities are more easily carried on among non-English-speaking groups of aliens than among those who are thoroughly conversant with our language.

In addition to this large and imposing testimony concerning the relationship between subversive activities and its greater effect on non-English-speaking groups, the subcommittee also heard testimony from naturalization officials and private citizens engaged in promoting better naturalization training for our alien population. This latter testimony was to the effect that the law should be amended to provide that a petitioner for naturalization be required to read and write English as well as to speak it. Some of this testimony pointed out, however, that in the cases of those aliens in the older-age groups, this additional requirement would preclude many otherwise desirable aliens from citizenship. The subcommittee is sympathetic with this view and has incorporated it in the recommendations at the conclusion of this chapter.

In addition to the requirement that the petitioner must speak English, the act also requires that a petitioner must sign his petition for naturalization in his own handwriting, if he is physically able to write,[7] but the signature need not be in English.[8]

The type of examination preceding naturalization is authorized to be made by rules and regulations of the Commissioner with the approval of the Attorney General. The general purpose of the educational examination is to determine whether the alien has a fair knowl-

[7] Nationality Act of 1940, sec. 332 (a).
[8] Nationality Manual, sec. 787, p. 7054.

edge of the fundamental provisions of the Constitution and is qualified to assume the duties and responsibilities of American citizenship. He is questioned generally on the principal historical facts concerning the development of the United States as a republic, the organization and principal functions of the Government on Federal, State, and local levels, and the relation of the individual to those several governments.

The system of citizenship classes sponsored by the Service through local school systems has aided greatly in preparing aliens for citizenship, as every effort is made to secure fundamental and uniform knowledge of our political and social structure. At the present time many of the courts are arbitrarily requiring that applicants appearing for citizenship shall be able to read simple English. They are taking this stand on the ground that where an alien has lived in the United States for a considerable number of years and has made no effort to read even simple English words he has failed to satisfy the requirement that he has been "attached" to the principles of the Constitution, and that he is "well disposed" to the good order and happiness of the United States. As a practical matter it is difficult for the subcommittee to understand how a person who has no knowledge of English can intelligently exercise the franchise, especially in States which use the initiative and referendum. It is also difficult to understand how a person who does not understand, or read, or write English can keep advised and informed on the political and social problems of the community in which he lives.

The subcommittee realizes, however, that such requirements, if rigid, would bar from naturalization certain persons in the older age groups who have come to this country at an age when it would be most difficult, if not impossible, for them to become fluent in the use of English. In such older age groups, if the alien is otherwise qualified for citizenship and his lack of understanding and use of English does not make him susceptible to subversive activities, the subcommittee feels that his inability to master English should not bar him from naturalization.

E. By Naturalization—Special Classes

Three groups of aliens are given special consideration in our nationality laws, namely, alien spouses of American citizens, aliens who have served honorably in our armed forces, and alien seamen who have served on American-owned or controlled vessels.

1. SPOUSES OF AMERICAN CITIZENS

Sections 310, 311, and 312 of the act set out the special conditions under which spouses of American citizens may become naturalized.

Prior to enactment of the Cable Act (September 21, 1922)[9] alien women who had married American citizens automatically became American citizens. The Cable Act provided that "any woman who marries a citizen of the United States after the passage of this Act, or any woman whose husband is naturalized after the passage of this Act shall not become a citizen of the United States by reason of such marriage or naturalization; but, if eligible to citizenship, she may be

[9] 42 Stat. 1021.

naturalized upon full and complete compliance with all requirements of the naturalization laws," except that no declaration of intention was required and such person need have only 1 year's residence instead of 5. The act of May 24, 1934,[10] broadened the provisions of the Cable Act to include "an alien" of either sex who married a United States citizen, and these amended provisions were incorporated in the Nationality Act of 1940 as section 310(a). Under subsection (a) provision is made for naturalization without filing declaration of intention, and for 1 year's residence instead of 5. The 1940 act also provides in subsection (b) of section 310 that an alien spouse who has married a citizen after May 24, 1934, or whose spouse was naturalized on or after that date and during the existence of the marital relationship may be naturalized without filing a declaration of intention and after 3 years' residence.

Section 311 of the Nationality Act of 1940 provides that a person who was married to a United States citizen on January 13, 1941, or who marries a citizen after January 13, 1941, and who has resided in the United States for 2 years and in marital union with a citizen spouse for 1 year may be naturalized without filing a declaration of intention. Naturalization of one alien spouse after January 13, 1941, also entitles the other alien spouse to the 2 year residence requirement, under the same conditions.

Section 312 further liberalizes the naturalization laws with regard to spouses of American citizens. It provides that an alien who is married to a citizen employed by the Government or by an American institution of research, recognized as such by the Attorney General, or by an American firm or corporation engaged in whole or in part in the development of foreign trade or commerce of the United States, or a subsidiary thereof, and whose spouse is regularly stationed abroad in such employment, may be naturalized without filing a declaration of intention or without any residence whatsoever in the United States. The only requirement is that the alien must be in the United States at the time of naturalization and must declare before the naturalization court in good faith an intention to take up residence within the United States immediately after the termination of the spouse's employment abroad.

2. ARMED SERVICES PERSONNEL

When the Nationality Act was enacted in 1940, the nature and scope of our possible participation in World War II could not be accurately anticipated and provided for. As a result, the Congress has found it necessary to enact certain amendments liberalizing naturalization privileges to those aliens who served in our armed forces during the war. Some of these provisions have now lapsed, and those aliens now serving in our armed forces do not enjoy the extremely liberal provisions which were enjoyed during the war period.

At the present time section 324 of the act provides that a person who has served honorably at any time in the Army, Navy, Marine Corps, or Coast Guard for 3 years and who, if separated from the service, has been honorably discharged, may be naturalized upon petition while in the service or within 6 months after termination of his service. No declaration of intention, certificate of arrival, or residence within the court's jurisdiction is required, but with these exceptions the other

[10] 48 Stat. 797.

requirements to naturalization, including racial eligibility, must be complied with. If the alien is in the service at the time of naturalization he may be naturalized immediately by appearing before a representative of the Immigration and Naturalization Service, accompanied by two citizen witnesses. If, however, he files for naturalization more than 6 months after completion of his honorable service, he must comply with the general residence requirements of the act—that is, 5 years' continuous residence in the United States and 6 months in the State—but his service in the armed forces, wherever it has occurred, is to be considered as residence within the United States and the State.

In cases where the military service was not continuous, residence, good moral character, and attachment to the Constitution, for any nonservice period for 5 years preceding the date of filing petition must be proved as in regular naturalization proceedings.

The wartime provisions granting special privileges for wartime service have lapsed, but a new section, section 324A, was added to the Nationality Act on June 1, 1948. This new section provides for naturalization of an alien who has served honorably in an active-duty status during World War I or World War II. Racial barriers to naturalization, as well as the status of being an alien enemy, do not apply to persons earning citizenship through such active-duty service. Likewise waived are the requirements for declaration of intention, certificate of arrival, and residence requirements within the United States and State. The applicant, however, must file a petition for naturalization and must include the affidavits of two credible citizen witnesses, attesting to his good moral character and attachment to the Constitution. If he has completed his honorable military or naval service, the same must be proved by proper departmental certification. Subsequent dishonorable discharge is ground for revocation of naturalization. It should be noted that wartime service must be in an active-duty capacity but that no particular or specific period of time is necessary. There are two provisions not included in the Nationality Act which relate to service in our armed forces by aliens. One is contained in the Selective Service Act of 1948,[11] section 4 (a) of which forever bars from naturalization any alien who, not being deferrable or exempt from training and service, applies for relief from such training and service prior to his induction. The other provision is contained in the act of August 1, 1894,[12] which provides that—

> in time of peace no person * * * who is not a citizen of the United States, or who has not made legal declaration of his intention to become a citizen of the United States, * * * shall be enlisted for the first enlistment in the Army.

Various proposals have been made, and in the last session of the Congress the Senate passed S. 2269, to enlist foreigners in our armed services for service overseas and to grant them special citizenship privileges.[13]

3. SEAMEN

The third class of persons for whom the Nationality Act makes special provision in the matter of earning citizenship is that of seamen.

Section 325 of the Nationality Act provides for naturalization of persons who have served honorably or with good conduct for at least

[11] 62 Stat. 601; 50 U. S. C. App. 454 (a).
[12] 28 Stat. 216.
[13] S. 2269, 81st Cong.

5 years (1) on board any Government vessel other than in the Navy, Marine Corps, or Coast Guard, or (2) on board public or private vessels of more than 20 tons burden, whose home port is in the United States, whether or not the vessel is documented under our laws, provided they are not foreign vessels.

In order to apply for naturalization under this section, the alien must file his petition while still in the service, or within 6 months after an honorable discharge or separation therefrom. He need not file a declaration of intention, does not need a certificate of arrival into this country, need not reside within the jurisdiction of the court, but may be naturalized immediately if, prior to filing of petition, he and two identifying witnesses appear before and have been examined by a representative of the Immigration and Naturalization Service. The master of the vessel on which the alien served may prove service with good conduct by executing a certificate to that effect. If the alien petitions for naturalization more than 6 months after termination of his service, he must comply with the provisions of section 309 as to continuous residence, but such service shall be considered as residence within the United States or State.

The subcommittee has received considerable testimony and memoranda from those in charge of investigation of this section to the effect that the section should be repealed or drastically amended. The consensus is that this is one of the weak spots in our nationality law and one which is most subject to abuse and fraud. The section was originally enacted at a time when American citizens did not want to man American ships. With the improvement of conditions on board ships and the establishment by the Maritime Commission of a school for seamen, this condition no longer exists and except in time of war it is now necessary to limit the number of aliens who may serve on an American vessel. There is abundant evidence to support the statement that the liberal provisions of section 325 encourage ship jumping and put a premium on illegal entry as a prerequisite for naturalization. While it is recognized that residence credit should be given for service on board an American vessel, the subcommittee feels that such service should be credited to residence requirements only if a seaman has made a legal entrance for permanent residence. It should also be pointed out that subsection (d) of section 307 of the Nationality Act of 1940 provides that honorable service on vessels owned directly by the Government is regarded as residence within the United States. This subsection, however, does not require that this service be prior to lawful entry. The same subsection provides that continuous service by a seaman on a vessel whose home port is in the United States and which is of American registry or American-owned may be considered as residence within the United States. In this case, however, the service must be subsequent to the alien's lawful entry for permanent residence and immediately preceding the date of naturalization. It is to be noted that section 325 and subsection (d) of section 307 as presently written and enforced provide greater privileges for naturalization than are accorded to any other group of aliens. Upon completing the required period or periods of service, the alien seaman may proceed to naturalization without possessing so much as a certificate of arrival, much less any proof of legal entry or other conformity to our immigration law.

The incidence of subversion in various alien groups has been considered elsewhere in this report, but it should be noted here that alien seamen are subject to less screening and investigation than are any other groups of aliens.

F. By Derivation

In addition to citizenship by birth and citizenship by naturalization, it is also possible, under certain circumstances, to acquire what is known as derivative citizenship. Such citizenship means, in relation to children and certain wives, a United States citizenship acquired subsequent to birth through some form of naturalization of the parent or parents, or, in the case of wives, through the naturalization of or marriage to a husband acquiring or having United States citizenship. In the case of wives, however, it has not been possible to derive citizenship through a United States citizen husband since the passage of the Cable Act on September 22, 1922.[14]

The Nationality Act of 1940 made substantial changes in the requirements for and mode of acquisition of derivative citizenship by a person under the age of 18. On and after January 13, 1941, a child cannot derive nationality through his parents' naturalization unless he is under the age of 18 at the time of the naturalization, and begins to reside permanently in the United States while under the age of 18 years.[15] Under former law it was possible to derive citizenship while under the age of 21.

A child derivatively naturalized need not meet the requirements of the law relating to race, good moral character, and attachment to the Constitution.[16] He must take an oath in order to secure a certificate of derivative citizenship, but it is immaterial whether there is any mental reservation at the time of taking the oath, since he was already a citizen by derivation.[17]

The law was well settled that a child of a person naturalized as a citizen of the United States, dwelling within the United States, who was under 21 years of age when the parent or parents were naturalized, is a citizen of the United States. This general provision was changed by the act of 1940, which lowered the age to 18. There have been changes in the law from time to time, but other than the change just mentioned, they dealt in the main with requirements for the acquisition of such derivative citizenship. For instance, the law of 1907 provided that a minor who entered the United States after the naturalization of his parents acquired American citizenship by such entry.[18] It has also been held that a child who was under the age of 21 at the time of the death of his alien father, if lawfully residing in the United States at the time, acquired United States citizenship upon the naturalization of his mother prior to May 24, 1934.[19] After the latter date and prior to the act of 1940 a child could derive citizenship through the naturalization of either parent if he entered the United States and completed 5 years' residence in the United States before attaining the age of 21.[20]

[14] 42 Stat. 1021.
[15] Nationality Act of 1940, secs. 313 and 314.
[16] Nationality Manual, sec. 1041.5.
[17] Id.
[18] Act of March 2, 1907, sec. 5, 34 Stat. 1228.
[19] 36 Op. Atty. Gen. 197 (1929).
[20] Act of May 24, 1934, sec. 2, 48 Stat. 797.

Lawful permanent residence has always been a prerequisite to derivative citizenship. There must be a bona fide intent to reside permanently in the United States. Thus, the child does not derive citizenship if he goes abroad before the naturalization of his parents, and intends to abandon and does abandon his residence in the United States.[21] However, if there is a fixed intention to return, it has been held that an absence of as long as 14 years will not prevent naturalization shortly after the child's departure provided the father's domicile has continued.[22]

Prior to September 22, 1922, the marriage of a child under the age of 21 did not bar the naturalization of the child even though the child was married to an alien. This, however, did not bar loss of citizenship through marriage to an alien prior to the 1922 date.[23] After September 22, 1922, no child derivately naturalized lost citizenship through marriage to an alien other than through marriage to an alien ineligible to citizenship prior to March 3, 1931.[24]

Since the Nationality Act of 1940, the marriage of a child under 18, who otherwise meets the requirements for acquiring derivative citizenship, is not a bar to such acquisition regardless of whether the marriage is to an alien, resident or nonresident.[25]

1. ADOPTED CHILDREN

An adopted child does not derive citizenship, under the Nationality Act of 1940, through the naturalization of his adoptive parents, but there are special provisions under the act by which such child may be naturalized upon the petition on his behalf by the adoptive parents.[26] Prior to January 13, 1941, an adopted child could be derivatively naturalized only if the adoption had been by the putative father who had legitimated the child according to the law of the father's domicile.[27] The Nationality Act is silent as to whether a child derives citizenship through the naturalization of his natural parents after his adoption by adoptive parents, although it has been determined by the courts and administrative agencies that he so derives.[28]

2. STEPCHILDREN

Stepchildren do not derive citizenship through the naturalization of a stepparent. However, the naturalization of a stepfather prior to September 22, 1922, which resulted in the derivative naturalization of the mother, vested citizenship in the child through the mother, as did the marriage of a widow with children to a citizen.[29] After that date no such rights were acquired by the stepchild, because the wife no longer derived nationality by marriage or through the naturalization of her husband.

[21] Nationality Manual, sec. 1041.7.
[22] Id.
[23] Ibid., sec. 1041.84 (a).
[24] Ibid., sec. 1041.84 (b).
[25] Nationality Act of 1940, sec. 302.
[26] Ibid., sec. 316.
[27] Nationality Manual, sec. 1041.87.
[28] Id.
[29] Ibid., sec. 1041.88.

3. ILLEGITIMATE CHILDREN

Under the Nationality Act a child born out of wedlock, and who has not been legitimated, does not derive United States citizenship through the naturalization of the putative father.[30] Neither does he derive citizenship through the mother even though for other purposes of law she is the sole parent.[31]

On or after January 13, 1941, the legitimation of a child entitles him to derivative citizenship only if the legitimation takes place under the law of the child's domicile and the child is in the legal custody of the legitimating parent.[32]

4. DERIVATION THROUGH NATURALIZATION OF BOTH PARENTS

On and after January 13, 1941, a child born outside of the United States of two alien parents, or of an alien parent and a citizen parent who has subsequently lost citizenship of the United States, becomes a citizen of the United States when: (1) Both parents are naturalized, or (2) if one parent is deceased, the surviving parent is naturalized, or (3) if the parents are legally separated, the parent having legal custody is naturalized, and (4) the naturalization takes place while the child is under 18 years of age, and (5) the child is residing in the United States at the time of the naturalization of the parent last naturalized, or the naturalization of the surviving parent or the parent having custody following a judicial separation, or the child begins to reside permanently in the United States while under 18 years of age, following such naturalization.[34]

5. DERIVATION THROUGH NATURALIZATION OF ALIEN PARENT

Under section 313 of the Nationality Act of 1940, a child born outside the United States, one of whose parents was an alien and the other was then and never ceased to be a citizen of the United States, acquires derivative citizenship if the alien parent is naturalized, when (1) such naturalization takes place while the child is under 18, and (2) the child is residing in the United States at the time of the naturalization or thereafter, and begins to reside permanently in the United States while under 18.

6. DERIVATION THROUGH NATURALIZATION OF SURVIVING PARENT

The provisions of section 314 of the Nationality Act of 1940 are available to a child one of whose alien parents has died, or whose alien parents have been judicially separated. Such a child, however, does not derive citizenship if he is over the age of 18, even though the petition was filed prior to January 13, 1941, and the child had resided in the United States for more than 5 years prior to that date. The child was held to have no such right under the repealed statute of May 24, 1934, and was not protected by the saving clause of section 347 of the act of 1940.[35]

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[30] Nationality Act of 1940, sec. 102 (h).
[31] Id.
[32] Nationality Manual, sec. 1041.861.
[34] Nationality Act of 1940, sec. 314.
[35] Nationality Manual, sec. 1045.3. See, however, *Bertoldi* v. *McGrath*, C. C. A., D. C., Dec. 19, 1949.

In the case of separation of parents, the separation referred to must be a judicial separation and not one resulting from a private separation agreement.[36] The sole legal custody must be awarded to the custodial parent prior to the child's eighteenth birthday.[37] But so long as all the conditions are fulfilled while the child is under 18, it is immaterial in what order the requisite events occurred. Therefore, if one parent is naturalized prior to the death of the other parent, both taking place while the child was under 18 and while he was lawfully residing permanently in the United States at the time of such death, citizenship was held to be derived at the date of the decedent alien parent's death.[38]

In cases where a United States citizen woman lost her citizenship by marriage to an alien prior to September 22, 1922, and thereafter resumed it, her children who were under the age of 18 when she so resumed her American citizenship obtained derivative United States citizenship by such resumption on the part of the mother.[39]

Generally, repatriation or resumption of citizenship is equivalent to regular naturalization for the purposes of derivative citizenship.

7. MARRIAGE TO AN ALIEN—DOCTRINE OF FICTIONAL RESUMPTION

After September 22, 1922, no woman lost citizenship solely by reason of marriage to an alien, except an alien ineligible to citizenship prior to March 3, 1931. A child born outside the United States of such a woman prior to May 24, 1934, did not acquire citizenship at birth, but was held to derive citizenship upon the termination of the mother's marriage to the alien, since it was considered anomalous that the child should derive citizenship when an alien mother became repatriated, after the termination of her marriage, but not upon the termination of a marriage which had not divested the mother of citizenship.[40] Citizenship vested upon the entry of the child for permanent residence. This doctrine is known as fictional resumption of citizenship.

Between May 24, 1934, and January 13, 1941, the child could acquire citizenship at birth abroad if the citizen parent had resided in the United States. The doctrine of fictional resumption of citizenship is nevertheless applicable, so that the child was held to derive United States citizenship on entry for permanent residence, following the dissolution of the marriage to the alien, after 1934, and no 5 years' residence by the child was held necessary, since the citizen mother was held to be the sole parent.[41] The doctrine of fictional resumption does not apply where the citizen parent was the father, since men never lost citizenship by marriage to an alien, and has not, since January 13, 1941, had any application to one who claims to have derived citizenship on or after that date.[42]

G. Conclusions and Recommendations

The subcommittee has considered a vast amount of testimony and memoranda relating to acquisition of citizenship, whether by birth,

[36] Id.
[37] Id.
[38] Id.
[39] Ibid., sec. 1041.2.
[40] Ibid., sec. 1048.
[41] Id.
[42] Ibid., sec 1048 (b).

naturalization, or derivation. While wishing to retain the broad general pattern of the Nationality Act of 1940, the subcommittee feels that several basic and far-reaching changes should be made in our naturalization laws, especially in relation to racial eligibility to naturalization and in relation to the residence and literacy prerequisites to becoming an American citizen. Other proposals, equally important, but not so far-reaching in scope, are submitted also, with the end in view of raising the standards and value of citizenship in the United States.

RACIAL ELIGIBILITY TO NATURALIZATION

The subject of racial eligibility to naturalization is one on which the subcommittee has held special hearings and to which it has given serious consideration. As stated previously in this report in consideration of our immigration laws, the subcommittee feels that the time has come to erase from our statute books any discrimination against a person desiring to immigrate to this country or to become a naturalized citizen, if such discrimination is based solely on race. The subcommittee therefore recommends:

(1) That all prerequisites for naturalization based solely on the race of the petitioner be eliminated from our naturalization laws, as follows:

(*a*) Section 302 of the present Nationality Act of 1940 be amended to provide specifically that naturalization shall not be denied a person because of his race.

(*b*) Section 303 of the same act be repealed, since this section presently enumerates the races of persons who may become naturalized citizens.

(2) That provision be made for establishment of lawful entry for permanent residence of those aliens now resident in this country whose racial ineligibility to naturalization would be removed if such aliens are otherwise admissible to naturalization.

RESIDENCE

The subcommittee considers and finds that one of the weak spots in our naturalization law is the lack of uniformity in residence requirements for naturalization. While recognizing the various reasons which prompted enactment of the exceptions to the 5-year residence requirement, the subcommittee feels that the requirement should be made uniform and accordingly recommends:

(1) That all exceptions to the 5-year requirement of residence in the naturalization of alien spouses of American citizens, as provided in sections 310, 311, and 312 of the present act, be eliminated, except in the one class of an alien whose citizen spouse is in the employ of the Government of the United States or of an American institution of research recognized as such by the Commissioner, or of an American firm or corporation engaged in whole or in part in the development of foreign trade and commerce of the United States, or a subsidiary thereof, and who is regularly stationed abroad in such employment. Such alien may, under exceptions set out in the proposed naturalization law, be naturalized while in the United States, without any prior residence. This exception carries forward the existing law in section 312 of the Nationality Act.

(2) That all other petitioners for naturalization not included in (1) above be required to comply with the 5-year residence requirement, except for the following classes of persons, who shall comply with the residence requirements hereinafter set out, viz:

(*a*) Persons who (1) are authorized to perform the ministerial or priestly functions of a religious denomination having a bona fide organization within the United States, or (2) are engaged solely by such a religious denomination as a missionary, sister, or nun. These persons may, after lawful admission for permanent residence and after having been physically present in and residing within the United States for an uninterrupted period of at least 1 year, apply to the Commissioner and to the court for permission to leave the United States in his or her professional capacity, and such absence shall be considered as constructive residence.

This proposal is an enlargement of the class of persons now enjoying this privilege, as under section 308 of the present act only a "regularly ordained clergyman or nun" may take advantage of this exception. However, under existing law, no prior residence following lawful admission for permanent residence is required. The subcommittee feels that all persons in this class should be physically present in the United States for at least a year prior to leaving, even in such professional capacity.

(*b*) Persons who are adopted by citizens, in the United States, while under the age of 16. Such adopted persons may be naturalized after 2 years' residence in the United States in the custody of the adopting citizen parent or parents and before reaching the age of 18, the petition to be made on behalf of the child by the adoptive parent or parents. This residence requirement is the same as that in section 316 of the present act.

(*c*) Persons who serve honorably in the armed forces or Coast Guard for 3 years. This class of persons may be naturalized under section 324 of the present act after 3 years' service, and the subcommittee recommends that this privilege be preserved in the proposed law.

(3) That the time spent by seamen serving honorably on certain designated vessels, owned by the United States or a United States citizen, be counted as residence in the United States for purposes of naturalization only if such service is pursuant to a legal admission for permanent residence.

This is a restrictive amendment to existing law. At the present time seamen may be naturalized after 5 years' service, which service need not be pursuant to a legal admission for permanent residence. The proposed law defines and limits sharply the type and ownership of vessels on which such service may be rendered.

(4) That "continuous residence" as used in the present law be redefined to mean "actual physical presence," and that in the case of a person born of one citizen parent who has previously resided in the United States, such residence requirement be changed to "physically present for 1 year."

(5) That in any adjustment of status permitted under the immigration laws, the status of legal admission for permanent residence shall date from the time of such adjustment, and not from the time of original entry, when computing the required 5-year, or any lesser, residence requirements for naturalization.

CITIZENSHIP IN THE TERRITORIES AND POSSESSIONS

The subcommittee finds that the determination of citizenship status in our Territories and possessions is, in many instances, most difficult, since such determination must be made from numerous statutes, treaties, and proclamations. The subcommittee therefore recommends that several new sections be added in the proposed law, setting out present law as it relates to acquisition of citizenship, by birth, by statute, or by derivation in the several Territories and possessions. The subcommittee also recommends that the outlying possessions be named in the definition of an outlying possession.

GOOD MORAL CHARACTER, ATTACHMENT TO THE CONSTITUTION, AND FAVORABLE DISPOSITION TO THE GOOD ORDER AND HAPPINESS OF THE UNITED STATES

The subcommittee believes that the prerequisite of good moral character, attachment to the Constitution, and favorable disposition to the good order and happiness of the United States should be continued and even more strictly applied in determining the fitness of an applicant for citizenship. The subcommittee therefore recommends several changes in several sections of the present law, to insure that such good moral character and attachment to the Constitution be proved during the entire time a petitioner is residing in the United States, or out of it under one of the residence exceptions, and that the proof of such good conduct be conclusive and convincing. The subcommittee also recommends that the Immigration and Naturalization Service and the court may go back further than 5 years in reaching a determination as to whether the petitioner has satisfied the requirement of good moral character.

LITERACY

The present law requires that petitioners for naturalization be required to speak the English language at the time of naturalization, but there is no positive statutory provision that they be required to read and write English. Many courts, however, require one or the other, or both. The subcommittee feels, and so recommends, that every petitioner for naturalization, who is physically able to do so, should be able to read, write, and speak English at the time of his naturalization. Exception is provided for those persons who have been legally resident in the United States for 20 years and who are over 60 years of age on the effective date of the new act.

The subcommittee is making a recommendation for and including in the proposed bill a provision that a petitioner for naturalization have a knowledge and understanding of the history, and of the principles and form of government of the United States.

DERIVATIVE CITIZENSHIP

The subcommittee makes no recommendations for substantial changes in the law relating to derivative citizenship, but does feel that the following minor changes should be made:

(1) Lower the age from 18 to 16 in derivative cases, so that a child reaching his sixteenth birthday may not take citizenship derivatively.

The present provision that a parent may petition on behalf of the child who is under 18 is carried forward in the proposed law.

(2) Require that all persons taking citizenship derivatively be residing in the United States pursuant to a lawful admission for permanent residence.

(3) State affirmatively in the law that adopted children do not take derivative citizenship through their adoptive parents. This has been held administratively, and the subcommittee feels that an affirmative, statutory declaration should be made.

CHILDREN BORN ABROAD

The subcommittee finds that the provisions of existing law relative to citizenship of children born abroad of a citizen parent or parents are confusing and difficult to administer and interpret, particularly with reference to residence requirements, both of parents and children.

Inasmuch as adjudication and determination of cases coming under the provisions of existing law have not yet begun, the subcommittee recommends that the proposed new law be made retroactive to include children born abroad subsequent to May 24, 1934, which is the date used in the 1940 act.

The subcommittee therefore recommends as follows:

(1) That the residence requirements of the citizen parent of a child born abroad be that the parent, prior to the birth of the child, be physically present in the United States or its outlying possessions for a period or periods totaling not less than 10 years, at least 5 of which were after attaining the age of 14 years, and that any periods of honorable service in the armed forces of the United States be included in computing such physical presence requirement.

The present law requires 10 years' residence, at least 5 of which were after the age of 16. The "residence," however, does not necessarily mean physical presence.

(2) That the child born abroad of one citizen and one alien parent must, in order to retain his United States citizenship, enter the United States for permanent residence before attaining the age of 23, and shall be physically present in the United States for at least 5 years following any such entry prior to age 23 and after age 14.

Under existing law, the child must take up residence between the ages of 13 and 21 and not after he is 16 years of age and must reside in the United States for 5 years before reaching age 21.

CHAPTER IV

WHO ARE NONCITIZEN NATIONALS

A. Existing Law and Statistics

The Nationality Act of 1940 defines the term "national" as a person owing permanent allegiance to a state.[43] The act defines "national of the United States" as meaning "(1) a citizen of the United States, or (2) a person who, though not a citizen of the United States, owes permanent allegiance to the United States. It does not include an alien." [44] Thus it will be seen that the term "national" includes both a citizen and noncitizen person who owes allegiance to the United States. However, in this chapter of this report, the term "national" is confined to a person who, although not a citizen, owes allegiance to the United States.

Section 204 of the Nationality Act defines a person who is a national, but not a citizen, as follows:

(a) A person born in an outlying possession of the United States of parents, one of whom is a national, but not a citizen, of the United States;

(b) A person born outside the United States and its outlying possessions of parents, both of whom are nationals, but not citizens, of the United States, and have resided in the United States, or one of its outlying possessions prior to the birth of such person;

(c) A child of unknown parentage found in an outlying possession of the United States, until shown not to have been born in such outlying possession.

Since the term "outlying possession" means all territory over which the United States exercises rights of sovereignty except Alaska, Hawaii, Puerto Rico, the Virgin Islands, and the Canal Zone,[45] it will be seen that the term "outlying possession" really refers to Guam and American Samoa (including Swain's Island). The estimated population of Guam as of March 1948 was 90,129, composed of 25,168 Guamanians and 64,961 non-Guamanians, the latter being United States armed services personnel and their dependents, civil-service personnel, and Government contractors.[46] The islands of American Samoa have a total estimated indigenous population of 17,077.[47] Other persons constitute only 1 percent of this native group.[48] Thus it will be seen that the number of persons classified as nationals, but not citizens, is very small. Considerable confusion has arisen, however, because during World War II many residents of these possessions were not even accorded the status of nationals due to the fact that neither of their parents was a national.[49] Some of the indigenous population are presently racially ineligible to immigration or naturalization. If such racial barriers are removed, it will be possible for

[43] Sec. 101 (a).
[44] Sec. 101 (b).
[45] Nationality Act of 1940, sec. 101 (e).
[46] U. S. Government report, Information on Guam Transmitted by the United States to the Secretary General of the United Nations, prepared by the Navy Department, Washington, D. C., June 1948, pp. 1-2.
[47] U. S. Government report, Information on American Samoa Transmitted by the United States to the Secretary General of the United Nations, prepared by the Navy Department, Washington, D. C., June 1948.
[48] Id.
[49] Nationality Act of 1940, sec. 204.

those who are nationals to enter the United States without complying with other immigration laws and thus qualify for naturalization. Section 321 provides that a person who is not a citizen, but who owes permanent allegiance to the United States and who is otherwise qualified, may, upon becoming a resident of any State, be naturalized upon compliance with our naturalization laws and that his residence in an outlying possession shall be considered as residence within the United States.

The fact that a considerable group of native Samoans and Guamanians are not even noncitizen nationals has given concern to field officers of the Immigration and Naturalization Service. Persons born in Guam after April 11, 1889, in Samoa on or after February 16, 1900, or on Swain's Island on or after March 4, 1925, are nationals at birth only if one parent is a national at the time of the birth.[60] If the parents or forebearers were not resident in the respective outlying possessions on the date of acquisition they were not nationals and consequently their descendants are not nationals. This has resulted in the anomalous situation, especially in American Samoa, of succeeding generations of native-born, indigenous persons being unable to become nationals or to pass on this status to their children. These people, whether nationals or not, were loyal to the United States during World War II and in every way conducted themselves as persons owing allegiance to the United States.

Their continued allegiance and loyalty could, and undoubtedly would, be an important factor in defense programs. Furthermore, being nationals, they would be subject to military service.

B. Conclusions and Recommendations

The subcommittee feels that native-born, indigenous persons in our outlying possessions should be given the status of nationals, for the mutual benefit of such persons and of the United States. The subcommittee therefore recommends amendment of existing law to provide that a person born in an outlying possession of the United States on or after formal acquisition of such possession shall be a noncitizen national at birth, unless, of course, such person has the status of a citizen national by virtue of other provisions of law.

[60] Id.

CHAPTER V

WHO MAY NOT BECOME CITIZENS

There are four classes of persons who are barred from citizenship, namely, subversives, deserters and draft evaders, alien enemies, and applicants for exemption from training and service in the armed forces. Those barred because of race are discussed in chapter IV, supra.

Three of these classes are barred by provisions in the Nationality Act. The fourth class—those who apply for exemption from training and service in the armed forces—are forever prohibited from applying for citizenship under the provisions of section 4 (a) of the Selective Service Act of 1948.[1]

Of the three classes barred under the Nationality Act, only one class—that of deserters and draft evaders—is permanently prohibited from applying for citizenship.[2] A person in either of the other two classes—alien enemies, and subversives—may, under the provisions set out in the Nationality Act, apply for and receive citizenship when and if the status of alien enemy or of subversive is changed by conditions which under the act entitle the applicant for citizenship to be removed from such classification.[3]

A. Subversives

1. DENIAL OF NATURALIZATION

a. Proscribed classes and acts—The law

(1) Advocacy, dissemination, and affiliation

Section 305 of the Nationality Act of 1940 lists in apparent detail classes of persons who may not be naturalized as United States citizens. These prohibitions are in addition to the requirements of character, attachment to the principles of the Constitution, and good disposition to the good order and happiness of the United States.[4] The persons included in the direct prohibition are:

(1) Persons who believe in, advise, advocate or teach, or who belong to or are affiliated with any organization, group, society, or association so advising, advocating, or teaching (*a*) opposition to all organized government; (*b*) the overthrow by force or violence of the Government of the United States or of all forms of law; (*c*) the duty, propriety, or necessity of unlawfully assaulting or killing an officer or officers of any organized government or of the United States Government because of their official character; (*d*) the unlawful damage, injury, or destruction of property; or (*e*) sabotage.

(2) Persons who write, publish, or cause to be written or published, or who knowingly circulate or cause to be circulated, distributed,

[1] 62 Stat. 604, 606.
[2] Nationality Act of 1940, sec. 306.
[3] Ibid., sec. 305 (subversives) and sec. 326 (alien enemies).
[4] Ibid., sec. 307.

printed, published, or displayed, or who knowingly possess for the foregoing purposes any written or printed matter advising, advocating, or teaching the doctrines enumerated above in (1).

(3) Persons who are members of or affiliated with any organization which does any of the acts specified in (2).

Section 305 further provides that, for the purposes of said section the giving, loaning, or promising of money or anything of value to be used for the advising, advocacy, or teaching of any doctrine enumerated in the section shall constitute the advising, advocacy, or teaching of such doctrine, and that the giving, loaning, or promising of money or anything of value to an organization designated in the section shall constitute affiliation therewith, but that such definitions of advising, advocacy, teaching or affiliation are not exclusive definitions thereof.

The provisions of the section are applicable to anyone who is, or has been, found to be within the proscribed classes within a period of 10 years immediately preceding the filing of the petition, regardless of the fact that such conduct, membership, or affiliation may have ceased or have been abandoned.[5]

In the first instance, it is incumbent upon the Government to produce evidence that the petitioner is within a proscribed class.[6] But where competent, convincing evidence has been introduced, the burden is on the petitioner to show his actual eligibility for naturalization.[7] Therefore, it is not entirely accurate to state categorically that the burden of proof rests on the Government. Nevertheless, where membership in an organization alleged to be of a proscribed character is in issue, the Government must show not only membership or affiliation, but must also prove that the organization is of a proscribed character.[8]

Among organizations which have been held not to be proscribed under section 305 are the American Committee for the Protection of the Foreign-Born, the Friends of New Germany, the German-American Vocational League, and the Workers Alliance.[9]

The first and the last of these organizations have been designated by the Attorney General [10] as Communist; the other two are classified as Fascist.

The Nationality Manual cites only four organizations as having been held to come within the proscription of section 305. These four are:

(1) The Communist Party of the United States of America.
(2) The International Workers of the World.
(3) The Socialist Workers Party of America.
(4) The Young Communist League.[11]

Of these four organizations, only the Communist Party and the Socialist Workers Party are still active under the same names. The Young Communist League has dissolved; one of its principal successors is American Youth for Democracy, classified by the Attorney General's list as Communist. The IWW, active in the early years of the present century, is moribund.[12] The Socialist Workers Party is an extreme

[5] Ibid., sec. 305 (d).
[6] Nationality Manual, sec. 754.
[7] Id.
[8] Id.
[9] Id.
[10] Pursuant to pt. III of Executive Order 9835, by letters of November 24, 1947, and May 27, 1948.
[11] Nationality Manual, sec. 754.
[12] James Oneal and G. A. Werner, American Communism (1947), p. 180.

revolutionary (Trotskyite) party, with a small membership, founded in 1937.[13]

Courts have refused to take judicial notice of the proscribed character of the Communist Party; affirmative evidence that it advocates the overthrow of the Government by force or violence must be introduced.[14] The Supreme Court has yet to be presented with a situation calling for a square adjudication of the actual aims and objectives of the Communists.[15]

(2) Lack of attachment and unfavorable disposition

In addition to the absolute proscriptions of section 305, it is a general requisite of the Nationality Act of 1940 that no person can be naturalized, unless, among other requirements, he "has been and still is a person of good moral character, attached to the principles of the Constitution of the United States, and well disposed to the good order and happiness of the United States," during the necessary period of residence.[16]

It may be said generally that section 307 (a) contemplates the exclusion from citizenship of persons who disbelieve in the essential principles of the Constitution or who are hostile to the basic form of government of the United States. These criteria are apart from the classification of section 305.

Thus, under section 307 (a), one may be denied naturalization on ideological grounds who does not necessarily advocate the forcible overthrow of the Government; it would appear to be enough that he be inimical to the essentials of the Constitution, or that he is not generally well disposed to the good order and happiness of the United States. Thus, one who was opposed to equal treatment for Negroes and Italians was denied naturalization.[17] While it has been stated that the advocacy of an entirely constitutional change by constitutional amendment will not be enough to bar naturalization,[18] the true rule would seem to be that the case will be decided upon whether or not the changes advocated are so fundamental that the result would be an entirely different form of government.[19]

In the Saralieff case, just cited, the petitioner, whose petition was denied, sought a constitutional amendment to establish what would be in effect a proletarian dictatorship. While the court extended its remarks by the dicta referred to in the footnote, the case on the facts showed an application of a correct test. There is always the question of degree; while it would not be seriously contended that the advocacy by an alien of State control of navigable waterways by a constitutional amendment is evidence of a lack of the requisite attachment and disposition, equally it could not be seriously urged that the advocacy of a dictatorship by either a proletariat or a "leader" was not such evidence. The subcommittee is of the opinion that the distinction between the essential principles of the Constitution, such as a repre-

[13] Ibid., pp. 242-245.
[14] Nationality Manual, sec. 754.
[15] See *Schneiderman v. United States*, 320 U. S. 118 (1943).
[16] Sec. 307 (a). Whether (1) the necessary requirements must be proved during a 5-year period where a less period is required for naturalization, or (2) the judge can go back of the 5-year period in determining the existence of the requisites have been considered in ch. VI of this report.
[17] Nationality Manual, sec. 753.3.
[18] Id.; see also, *Schneiderman v. United States*, 320 U. S. 118 (1943).
[19] *In Re Saralieff*, 59 F. 2d 436 (1932). This case is frequently cited to hold that the right to work for amendment of the Constitution does not extend to an alien. This point is not decided, however; the remarks to that effect are only dicta.

sentative government in fact and form and due process of law, and the enumeration of specific powers therein should be clearly delineated and maintained, in regard to the right of an alien to advocate a change in the Constitution by constitutional means.

If it be true, as appears to have been indicated by the Supreme Court in the Schneiderman case,[20] that the right of an alien to work for peaceful amendment of the Constitution extends to advocacy of the establishment of communism or fascism, the provisions of section 307 of the Nationality Act relating to attachment and disposition have no meaning except as read in connection with section 305, and are therefore superfluous. Congress did not intend to establish sections of the law which were either contradictory or superfluous. It would seem, therefore, that the right of an alien to work for constitutional amendment without forfeiting possible naturalization extends only to collateral provisions, and not to absolute fundamentals.

Of course, advocacy of violent overthrow is not within any interpretation of the right to work for change.[21] Nor is the advocacy of nazism.[22] This last holding would seem to establish the criteria suggested above. The advocacy of nazism does not necessarily involve advocacy of the violent overthrow of the Government; it was achieved in Germany by the elective process. However, it should be noted that the vast number of Bund cases, most of which were cases in which denaturalization was sought, almost always involved the element of lack of renunciation of allegiance. This alone is enough to refuse naturalization.[23] The denaturalization cases are substantially similar in their basic legal propositions to cases where naturalization is denied, but the quantum of proof necessary to denaturalize is much higher.[24]

It does not seem to have been decided whether or not a Communist owes such allegiance to a foreign power as to prohibit his naturalization on the ground of a foreign allegiance.

Apart from the question of whether or not a Communist is a proscribed person under section 305, he may be held to lack the requisite attachment and disposition, and perhaps even good moral character, under section 307 (a).[25] However, there appears some dicta in the Schneiderman case which might lend color to a contrary argument. The Court there implied that, whatever the beliefs of the Communist Party, one belonging thereto would have to espouse such beliefs himself in order to be denaturalized. A distinction should be borne in mind between denial of naturalization in the first instance and denaturalization proceedings. The former is a grant of a status over which Congress has plenary power; the latter is a quasi-criminal proceeding,[26] and the result may embody the loss of valuable civil and property rights depending upon the status as a citizen. Therefore, it appears that, under the present law, membership in the Communist Party alone might not be sufficient in a denaturalization proceeding. Congress could provide that membership alone would bar

[20] Cited supra.
[21] See *Schneiderman* v. *United States*, supra.
[22] Nationality Manual, sec. 753.3.
[23] See generally, *Schlotfeldt* v. *United States*, 136 F. 2d 935 (1943).
[24] See *Schneiderman* v. *United States*, supra; *Baumgartner* v. *United States*, 322 U. S. 665 (1944).
[25] *Allan* v. *United States*, 115 F. 2d 804 (1940); *Tapolcsanyi* v. *United States*, 40 F. 2d 255 (1930); *In Re Saralieff*, supra. (No indication whether or not petitioner was a pary member); *In re Van Laeken*, 22 F. Supp. 145 (1938).
[26] See *Schneiderman* v. *United States*, supra.

naturalization. There seems to be no doubt whatever that, if membership in or affiliation with the party, in itself, were made a statutory bar to naturalization, Congress would be acting entirely within its constitutional plenary power.

The principal difficulty with the present law is that the question whether or not the Communist Party advocates the overthrow of the Government by force and violence is undecided. If it could be established by a Supreme Court adjudication that the party so advocates, proof under section 307 would not be necessary. However, the term "affiliation," which caused difficulty in the Bridges case [27] would still cause difficulty.

b. Evaluation of the law and its application

(1) Testimony of witnesses before the subcommittee

Much testimony was taken at various hearings conducted by the subcommittee regarding the relation of the immigration and naturalization laws to subversives generally. While most of this testimony related to exclusion and deportation, much of it is also relevant to naturalization problems.

It was alleged that very few, if any, petitions for naturalization had been denied under section 305. There was testimony, however, that about 25 percent of all rejected petitions for naturalization are rejected because the petitioner lacks the proper disposition and attachment. Most of the applicants in this class, however, are rejected because of disloyal statements made and not because of membership in so-called subversive organizations. It was said that membership in a subversive organization, of itself, is not enough to refuse naturalization unless the case comes within the prohibitions of section 305, and few cases come within this category. However, it was also said that membership in a subversive organization, other than one of the type proscribed by section 305, indicates a lack of attachment and favorable disposition, if it occurred within the 5-year period preceding the filing of the petition.

Testimony indicated that it is exceedingly difficult to prove that an organization advocates doctrines proscribed by section 305. For instance, where field examiners find or suspect membership or affiliation with an organization believed to be subversive, the information is forwarded to the central office, which attempts to determine whether the organization is proscribed under section 305, or whether membership therein is incompatible with the criteria of section 307.

While at the time testimony was taken by the subcommittee the Attorney General's list had not been forwarded to the field, instructions had been issued to hold up action on all petitioners who belong to such organizations. The present procedure was outlined in a letter from the Immigration and Naturalization Service to the subcommittee, accompanied by Operations Instructions, part 352.1. Each petitioner for naturalization is required to state the organizations of which he is or has been a member or affiliate within the 10 years immediately preceding the filing of the petition for naturalization. The operations instructions include the Attorney General's list. If the petitioner is or has been within 10 years a member or affiliate of any of the organizations on the list, the case is referred to the central office. The

[27] *Bridges* v. *Wixon*, 326 U. S. 135 (1945).

central office conducts an appropriate investigation, and an adjudication is made concerning the character of the organization. The central office then informs the field office as to the true nature and aims of the organization, and "whether such organization is within the purview of the provisions of the act of October 16, 1918, as amended,[28] or section 305 of the Nationality Act of 1940."

All field offices receive copies of the Operations Instructions and the attached list.

The subcommittee received testimony to the effect that in the majority of cases, subversive aliens are not in the subversive category at the time of entry, but later place themselves in that status. It was said that not more than "half a dozen" persons under deportation examination in one district were persons who entered the United States in the first instance as affiliates of foreign governments or international organizations. There was no testimony on the number of persons in this category attempting adjustment of status or naturalization. Investigations have been made of aliens who became affiliated with international organizations or foreign governments after entry, but again there was no testimony regarding attempted naturalization.

However, ample testimony disclosed considerable subversive activity among alien groups. It was testified that such activity was particularly strong in the various alien groups in New York City. An outstanding example cited was IWO activity among Greek seamen, in the Federation of Greek Maritime Unions. New York, Chicago, and Los Angeles were said to have the largest case load of subversive cases in regard to attempted deportation. However, caution was urged regarding conclusions from the fact of membership in the Greek Maritime Union, since there are many persons who belong to it who are not subversive. For that reason great care must be taken in pointing out specific organizations. The former Attorney General of the United States, who testified before the subcommittee, estimated a Communist Party membership of 59,000, as of October 1948. This witness stated that out of 4,984 of the "more militant members of the Communist Party," 79 were aliens born in Russia, 756 were naturalized citizens born in Russia, and a total of 37 percent were of Russian stock; 7 percent were married to persons of Russian stock, and 12.5 percent were either of stock from the countries adjacent to Russia or were married to persons of such stock. In all, 56.5 percent, or 2,816 of the total 4,984, were in the above categories. Further, 1,739 or 34.9 percent of the total 4,984 were of other foreign stock or married to persons of other foreign stock. Of this number, 897 were either aliens or naturalized citizens born in other foreign countries. Only 429, or 8.6 percent, were of native stock and married to persons of native stock. Two hundred and seventeen, or 4.3 percent, were aliens. One thousand five hundred and fifty-one persons were naturalized citizens.[29]

Part 3 of this report deals exhaustively with the extent of Communist activity among the aliens and foreign-born in this country. However, testimony received by the subcommittee, in addition to that reported in the part 3 of this report contains additional information. There is testimony to the effect that the Polish Transport Union,

[28] 40 Stat. 1012.
[29] U. S. Senate Committee on the Judiciary, Communist Activities Among Aliens and National Groups, hearings, pp. 318-320.

working through the Polish vessels *Batory* and *Sobieski*, was a center of Communist activity. The hearings on S. 1832 [30] have exhaustively covered the activities of the Gdynia-America Line, owner of these vessels.

Further testimony tended to show that the IWO was formed by leaders of the Communist Party, is completely controlled thereby, and remains devoted to the Communist cause. Aliens and foreign-born are said to constitute a very large part—about 80 percent—of the organization.[31] Testimony shows that many other organizations are a part of or affiliated with the IWO. Fifteen Russian, Spanish, Croatian, Finnish, Italian, Greek, Hungarian, Jewish, Polish, Rumanian, Serbian, Slovakian, and Ukranian "fraternal" and "mutual aid" societies were cited. These organizations are represented by many foreign-language newspapers. The IWO was said to furnish large sums of money to the Daily Worker and the daily Freiheit, both Communist publications. At the time this testimony was taken, a case was pending involving a member of the IWO, which organization is proscribed as subversive by the Attorney General's list.

In this case the Government had to proceed under Section 305, because the circuit court has held that there was not sufficient evidence to establish lack of attachment. It was therefore incumbent to prove that the IWO is an organization which advocates the overthrow of the Government by use of force and violence, and that the man was a member of the organization.[32]

One witness, while unable to state the extent to which persons of Communist tendency had been naturalized, testified that as of November 1948 there were 58 denaturalization cases pending, involving persons whom there was reason to believe were Communists or who had engaged in subversive activities. In addition to these cases there were pending 144 petitions for naturalization which were under investigation because of suspected elements of subversive character.

In connection with testimony given regarding deportation, which testimony is equally relevant in respect to denial of naturalization, it was stated that there is great difficulty in cases where the person involved is not a card-carrying member of the party, but serves the interests of the party.

Testimony was presented urging clarification of the term "affiliation." However, other testimony was to the effect that the present statutory language is adequate; the present difficulty is an inability to obtain sufficient evidence. Some witnesses were in favor of naming the Communist Party in the statute; others opposed this procedure. It was further stated that the Government is hampered in obtaining evidence by the rules relative to illegal searches and seizures. Also, there is said to be insufficient personnel for subversive investigations.

Various suggestions of methods of dealing with organizations like the IWO, such as restricting their right to carry on insurance businesses, will not be considered here because they are foreign to the subject of this report.

Memoranda were submitted to the subcommittee suggesting, in substance, that the Attorney General be given power under section 305 to designate from time to time organizations which he believes to

[30] See pt. 3, p. 781.
[31] U. S. Senate Committee on the Judiciary, hearings on S. 1832, 81st Congress.
[32] *Stasiukevich* v. *Nicolls*, 168 F. 2d 474 (1948).

be subversive, and that such designation automatically bar any member from naturalization until such time as he can affirmatively establish his loyalty. Another, similar suggestion, to shift the burden of proving attachment and favorable disposition to the alien seeking naturalization, was made in another memorandum. In view of the scope and gravity of the problem, the substance of these suggestions appear to the subcommittee to present the most concrete and feasible solution.

2. DENATURALIZATION

While the subject of denaturalization is discussed in a subsequent chapter of this report, some reference to the scope of the problem relating thereto is germane to the discussion of sections 305 and 307 of the Nationality Act of 1940. Particularly relevant is a discussion of the so-called Bund cases, resulting from an attempt on the part of the Government to denaturalize members of the German-American Bund, the principal center of Nazi and Fascist activity in the United States prior to and during World War II. The history of the Bund is a case study in the methods of subversive organizations and their effect upon aliens and naturalized citizens.

The German-American Bund had its beginnings in Chicago in 1924. Its guiding spirits were Nazis who had come to this country during the severe inflation in Germany which followed World War I. The society was originally known as the National Socialist Society, but later adopted successively the names Teutonia Society (1926), Friends of the Hitler Movement (1932), Friends of the New Germany (1933), and finally German-American Bund (1936.)[33] The Bund was organized along the lines of the German Nazi Party; it had its gauletiers, its military organization (Ordnungs Dienst), its youth groups, its block leaders, and an impressive array of officialdom leading down from the Bundesfuehrer, Fritz Kuhn, who was ultimately denaturalized and deported to Germany.[34]

After Pearl Harbor, the Bund purportedly dissolved, but actually carried on its activities under the guise of singing societies and social groups. The guiding philosophy of the Bund was a devotion to Germandom; it professed belief in the unity of all Germans in one German blood, under the leadership of Adolf Hitler. At one time, the Bund was open both to German nationals and to naturalized Americans of German origin, but in 1935 or 1936 membership was technically restricted to naturalized citizens of German origin. German nationals were enlisted in the Prospective Citizens League.[35]

Court decisions in the large number of denaturalization cases involving members of the Bund demonstrate the incompatibility of its prin-

[33] Some of the reported cases, in giving the genesis of the Bund, reverse the first 2 names. The listing here is from *United States* v. *Kuhn*, 49 F. Supp. 407 (1943).

[34] See the history of the Bund outlined by Judge Bright in *United States* v. *Kuhn*, cited in note 1, at pp. 412 ff. Kuhn was leader of the Detroit unit of the Friends of New Germany when he was naturalized on December 3, 1934 (pp. 414–415). His telegrams to Hitler on various occasions are set out at p. 416. In the Kuhn case, the district court denaturalized 11 out of 20 defendants, setting the activities of each out in detail. Upon appeal, the circuit court reversed the judgment in 2 cases; the Government confessed error in 2 others, and withdrew its appeal in another. (*Sotzek* v. *United States*, 144 F. 2d 576 (1944)). Between the original decision in the district court and the circuit court decision, the Baumgartner case, cited supra, had been decided. One bundist whose denaturalization was reversed had been a Bund member 6 years prior to his naturalization.

Other summaries of Bund philosophy and activity will be found in *United States* v. *Keegan*, 141 F. 2d 248 (1944); *United States* v. *Wurzenberger*, 56 F. Supp. 381 (1944); *United States* v. *Sautter*, 54 F. Supp. 22 (1943); and *United States* v. *Knauer*, 149 F. 2d 519 (1945).

[35] See Judge Bright's remarks in decision cited, supra, pp. 412–415. See also, *United States* v. *Knauer*, supra, where Judge Minton noted defendant's statement that American citizenship was "a good thing to hide behind."

ciples with an undivided American allegiance and its fundamental divergence from constitutional principles.[36] Of necessity, its emphasis upon the unity of Germandom meant, at best, a divided allegiance. In 1944, certain Bund leaders were convicted of conspiracy to counsel evasion of the draft laws.[37] An attempt on the part of the Government to denaturalize large numbers of Bund members was truncated by the Supreme Court's decision in the Baumgartner case, cited above. This case held the Government to such a strict standard of proof that it became very difficult to denaturalize a Bundist for fraud or illegality in procuring the certificate of naturalization. However, numerous Nazis were denaturalized even under the decision in the Baumgartner case, and the slightly less restrictive decision in the later Knauer case.[38] The evidence appearing from a study of the decided cases tends to show that large numbers of Bundists were naturalized, and that at least some of them were fully aware of the character of the Bund at the time of naturalization.

The cases further demonstrate that many persons were naturalized who should not have been naturalized. The most favorable conclusion to be drawn is that the loyalty of the Bund was clearly divided. The cases set forth such clear evidence of the character of the organization that it appears that the first loyalty of the Bund was to Hitler and Germany.

The Bund cases reflect a precipitate naturalization of many persons without sufficient investigation. The denaturalization cases later necessitated were expensive and many times abortive, although even in some of the latter cases evidence tended to show that the naturalized person's loyalty to the United States was slight. Naturalization, however, could not be revoked because of the difficulty of proving the state of mind at the time of naturalization, without material assistance from postnaturalization statements and actions.

The subcommittee considers that the testimony and court decisions relating to subversive activities and lack of attachment to the principles of the Constitution are further evidence of the necessity for the recommendation in chapter III that a thorough "neighborhood investigation" be made of each and every alien who applies for naturalization.

B. Deserters and Draft Evaders

Section 306 of the Nationality Act of 1940, which prohibits deserters and draft evaders from becoming citizens by naturalization, is one of the strictest in the act. It provides that such a person shall be ineligible to become a citizen and shall be forever incapable of holding any office of trust or profit under the United States or of exercising any rights of a citizen. This prohibition applies only at a time during which the United States has been or shall be at war and applies alike to persons already in the military or naval forces who desert and to persons who have registered for military service and who go beyond the limits of the United States with intent to avoid any draft into the military or naval services. The section further provides that

[36] For example, *United States* v. *Wurzenberger*, cited supra.
[37] *United States* v. *Keegan*, 141 F. 2d 248 (1944). Quoted at p. 250 is a significant part of the Bund's constitution: "[the leadership was] to maintain and to extend the German-American Bund as an offensive and defensive movement of a nationally conscious German-American people who are national-socialistically and constitutionally dedicated to an actually independent, Aryan-governed United States of America."
[38] *Knauer* v. *United States*, 328 U. S. 654 (1946).

such desertion or evasion must result in conviction by court martial before the permanent ban against citizenship and its privileges is put into effect.

Statistics are not available as to the actual number of persons who have been denied citizenship because of the commission of such acts, and because of the nature of the prohibition it is not considered probable that many applications will be denied for this reason, since persons who have deserted armed forces in wartime or have left the country to avoid the draft will not in many instances thereafter apply for citizenship.

C. Applicants for Exemption From Training and Service

Another group of persons who are permanently barred from applying for citizenship is that group covered by the provisions of section 4 (a) of the Selective Service Act of 1948.[39] This section provides that an alien who, not being deferrable or exempt from training and service, applies for relief from such training and service prior to his induction is forever barred from applying for naturalization. The subcommittee feels that this provision is in line with the general concept of the Nationality Act and will recommend that these provisions be incorporated in the proposed bill so that all requirements for naturalization may be found in one Act. However, the subcommittee considers that such exemption should be applied for and granted solely on the grounds of alienage, and is recommending accordingly.

There is also another provision of law to the effect that—

> in time of peace, no person who is not a citizen of the United States, or who has not made regular designation of his intention to become a citizen of the United States, shall be enlisted for the first enlistment in the Army.

This provision is one which relates primarily to service in the Department of the Army, and the subcommittee feels therefore that this is a matter which should not be a part of the nationality law.

D. Alien Enemies

Section 326 of the Nationality Act provides for the naturalization of persons whose nationality is that of a country with which the United States is at war. Such aliens of enemy nationalities may be natives, citizens, subjects, or denizens of that country, state, or sovereignty. All of these terms are in common usage except, perhaps, "denizen." A denizen is a creature of the common law measuring somewhere between an alien and a citizen, judging by his rights and his disabilities. For instance, a denizen, at the common law, could take real property by purchase or devise, but not by descent, and he could not hold public office.[40]

Aliens of enemy nationalities may be naturalized during a war if (1) the alien's declaration of intention was made more than 2 years prior to the initiation of the state of war, (2) the alien was entitled to become a citizen of the United States without making a declaration of intention, or (3) the alien's petition for naturalization was pending at the start of the war and the alien is otherwise admissible.[41]

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[39] 62 Stat. 604, 606.
[40] Nationality Manual, sec. 971.5.
[41] Nationality Act of 1940, sec. 326 (a).

In order that the Commissioner of Immigration and Naturalization may have an opportunity to pass on the fitness of the applicant of enemy nationality, section 326 (b) provides that the application shall not be called for a hearing until the Commissioner has been given 90 days' notice. In the event that the Commissioner objects to a final hearing, the law provides that the application shall be continued for as long as the Commissioner requires.

The Nationality Act also provides that the President of the United States may, after an investigation by the Department of Justice which establishes the loyalty of the alien, except such alien from the procedure heretofore outlined by withdrawing him from the classification of an alien enemy.[42] This enables the alien to proceed to naturalization unhampered by the ordinary restrictions placed upon an alien enemy. However, subsection (c) of section 326 specifies that none of the foregoing rules of procedure shall operate to prevent the apprehension and removal of any undesirable alien prior to his naturalization.

An alien who has been placed in the alien enemy category remains such, unless sooner naturalized, until the United States concludes peace treaties with his former country. Since treaties of peace have been concluded with Bulgaria, Rumania, Hungary, and Italy, nationals of those countries are no longer considered as enemy aliens.[43] Nationals of Japan and Germany, however, are still within that category. In the event of a transfer of territory, residents of such territory are not considered alien enemies unless (1) the transfer is formally recognized by the United States and (2) the citizen elects to accept the new allegiance.[44] However, a person born in an enemy country does not cease to be an alien enemy by naturalization in a country or state with which the United States is not at war. Thus a person born in Germany could not, by being naturalized in England and thus becoming an English citizen, escape the classification of alien enemy if he came to the United States at the present time.

1. PROCEDURE OF AN ALIEN ENEMY IN OBTAINING CITIZENSHIP

An alien enemy is required to take certain steps in his naturalization procedure that are not required of the ordinary alien.

In the case of a person not within the exceptions of section 326 (a), the alien enemy must obtain a Presidential exception before the court may proceed with his naturalization. Application for a Presidential exception is made by the applicant on a naturalization form supplied by the Service. This form is mailed to the alien applicant with the notice to appear with witnesses to file his petition. Answers to the form are to be filled out, but the oath required on the form cannot be executed except in the presence of the preliminary examiner.[45] The preliminary examiner examines the form and, if it is in order, administers the oath to the alien enemy applicant and then forwards the form to the district director, who causes a full and complete investigation to be made of the loyalty of the applicant. When the investigation is completed, a report is made to the district director by the designated examiner. It is the duty of the district director then to examine the documents presented in the case. If he determines that

[42] Ibid., sec. 326 (d).
[43] 61 Stat. 1369 (Italy), 1799 (Rumania), 1953 (Bulgaria), 2109 (Hungary).
[44] Nationality Manual, sec. 971.4.
[45] Ibid., sec. 975.33.

the petitioner is loyal to the United States and as such entitled to exception from the classification of an alien enemy, he issues a certificate of loyalty in triplicate.[46] One copy of this certificate is forwarded to the clerk of the court where the petition for naturalization is pending and is made a part of the record of the petitioner. The court may then proceed as in the case of the naturalization of any other alien.

In the event that the petitioner's request for a Presidential exception meets with disapproval of the district director, the entire file is forwarded to the central office for a review of the whole proceedings. Should the central office disapprove a denial of a petitioner's request for Presidential exception, the file is again forwarded to the district director.

2. INVESTIGATION OF ALIEN ENEMIES

Aside from the procedure which the Service has set up for the alien applicant, the Service has also established certain procedures of investigation which it describes as "minimum" to serve as guideposts for its personnel.

For example, it is provided that it is the duty of the district director to cause a thorough investigation to be made as to loyalty to the United States of all alien enemy petitioners for naturalization, other than those not of the exempt classes who have not applied for exception from classification as an alien enemy.[47] Minimum requirements are [48]—

(1) A check of the alien registration records and of the records of the Identification and Security Division of the FBI.

(2) A loyalty statement which is to be submitted by the petitioner and sworn to before the preliminary examiner at the time the petition is filed.

Every minimum investigation must include letters of inquiry to various cooperating agencies, such as the military intelligence office having supervision over the area in which the petitioner resides.[49]

In the event that the petitioner's loyalty is not established conclusively by the minimum investigation, additional investigation must be made. Such additional investigation, usually neighborhood or outside investigation, is handled by the investigation section or division of the field or district office.[50]

Under ordinary circumstances, additional investigation will be conducted in the case of any alien who [51]—

(1) Came to the United States after January 1, 1930, and who is not an honorably discharged veteran of the United States or a parent of a person serving in the United States armed forces or a member of a similar class of persons;

(2) Has made one or more trips back to the country of his allegiance or former allegiance since January 1, 1930;

(3) Has close relatives in an enemy country, especially in the military forces there;

[46] Id.
[47] Ibid. sec,. 977.1.
[48] Ibid., sec. 977.4.
[49] Id.
[50] Ibid., sec. 977.4 (b).
[51] Id.

(4) Has served in the armed forces of a country with which the United States is now at war; or

(5) Was arrested under Presidential warrant and who has been released outright by the Attorney General.

3. COURT DECISION

Few reported decisions have been made since the enactment into law of section 326. Of the few, one of the most important cases is that of *Schwab* v. *Coleman*.[52] In that case, Schwab was an alien of enemy nationality seeking naturalization during wartime. His application had been approved by the Commissioner of Immigration and Naturalization, but the judge of the district court refused to act upon the applicant's bid for citizenship. The judge refused to grant naturalization on the grounds (1) that section 326 (a) made the alien enemy's right to citizenship permissive and not mandatory and (2) that a sufficient investigation of the alien enemy's loyalty could not be made when the applicant's records of his earlier life were in an enemy country and therefore not available. The applicant claimed that by satisfaction of all the requirements he became eligible for naturalization and that his petition should be granted. The Acting Commissioner of Immigration and Naturalization filed a brief amicus curiae in which he noted that the alien's loyalty had been proved satisfactorily to the Service. The Fourth Circuit of the Circuit Court of Appeals decided that the action for a writ of mandamus should be granted. Concerning the inability of the Service to investigate fully the alien's background, the circuit court stated that Congress must have anticipated such difficulty in enacting such provisions as those contained in section 326.

The circuit court also answered the district judge's argument that the statute made the granting of citizenship permissive and not mandatory by saying that the judge could not be compelled to grant the alien's application for citizenship but that he could be required to act one way or the other upon it, thereby giving the alien his right of appeal from such a decision, if one were needed.

4. STATISTICS

Between January 1, 1941, and June 30, 1948, a total of 523,316 aliens of enemy nationalities were naturalized.[53] In the peak year of 1944, 191,543 alien enemies were naturalized. Of the enemy countries, aliens of Italian nationality consistently ranked highest in the number naturalized, with the exception of one year, 1945, when the aliens of German nationality outnumbered them. In that year 45,336 Germans obtained citizenship, as against 41,643 Italians.[54]

The number of enemy aliens who were able to have applications approved by Presidential exception has always been but a fraction of the total number of enemy aliens naturalized for residence. In 1945, when the Presidential exceptions numbered an all-time high of 444, this number represented less than 1 percent of the total number of aliens of enemy nationality who were naturalized in that year.[55]

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[52] 145 F. 2d 672 (1944).
[53] See chart, Appendix XIV, table 5, p. 921.
[54] Id.
[55] Ibid., table 14, p. 925.

E. Conclusions and Recommendations

The subcommittee makes conclusions and recommendations as follows:

1. SUBVERSIVES

1. Section 305 of the Nationality Act of 1940 is of little value without a more definite statement of the organizations proscribed. The principal difficulty has been with members of or persons affiliated with the Communist Party; the effect of uncertainty whether the Party advocates the forcible overthrow of our Government has required that section 307, not section 305, be used in preventing the naturalization of Communists. Therefore, the 10-year rule under section 305 has tended to give way to the more liberal 5-year rule under section 307; in cases of expeditious naturalization, this period has been even further reduced. The same considerations obtain in relation to Fascists, Nazis, and other totalitarians who the subcommittee believes are undesirable as United States citizens.

Therefore, the subcommittee recommends that the Communist Party be proscribed by name, in such form as will prevent the party's changing its name or organization in order to escape the operation of the statute. The subcommittee further recommends that members of any Fascist, Nazi, or other totalitarian party be barred from citizenship, as well as persons who espouse or advocate communism, fascism, nazism, or other form of totalitarianism or who belong to or are affiliated with organizations having such principles. The subcommittee further recommends that the subsection of section 305 of the 1940 act relating to writing, distributing, or circulating written or printed matter be extended to cover the doctrines proscribed in the revised section. Further, it is recommended that proof of the proscribed character of an organization be made by introduction of the utterances or publications of such organization. Since the proscription of the Communist Party is in addition to the proscription of organizations advocating the use of force and violence to overthrow the Government, it is considered necessary to state in a proviso that nothing contained in the statute shall be construed as denying that the Communist Party or other totalitarian parties or organizations advocate the overthrow of the Government by force and violence, or by other unconstitutional means.

The subcommittee further recommends the definition of the proscribed parties and doctrines so that the statute cannot be considered vague or ambiguous.

2. Under the present section 307, there is uncertainty concerning the locus of the burden of proof. In order definitely to cast the burden of proving his fitness for citizenship on an alien in whose case there is doubt concerning his attachment to the Constitution and favorable disposition to the well-being of the United States, it is recommended that a presumption of lack of such attachment and disposition be raised against any alien who has been a member of an organization to be designated by the Attorney General under such categories as "Communist" or "Fascist" under the provisions of the proposed bill. The subcommittee recommends, however, that the presumption should not arise against a person who was a member of such an organization at the time of its formal designation, but who withdrew therefrom

within 3 months following the proper promulgation of the designation. However, these provisions of the proposed bill are intended in no way to interfere with the absolute proscriptions thereof.

3. The standard of proof demanded in denaturalization proceedings under section 338 (a) of the Nationality Act of 1940 is unrealistically great.[56] It does not accord with the natural inference that one who becomes a member of a subversive organization within a short period after naturalization was not properly "attached" and "disposed" at the time of naturalization. It is clear that many of the Bundists became naturalized in order to join the Bund, or at least intended to join it at the time of naturalization. Joining a subversive organization within a reasonable time after naturalization should be presumptive evidence that naturalization was not obtained in good faith. Therefore, the subcommittee recommends that a new provision be incorporated in the proposed bill [57] providing in substance that joining a proscribed organization within 5 years after naturalization shall be presumptive evidence that naturalization was obtained by a willful misrepresentation or by concealment of a material fact; that is, with a lack of the requisite attachment to the principles of the Constitution and favorable disposition to the good order and happiness of the United States. The presumption should attach to the classes of organizations proscribed in the proposed bill. The presumption should also attach to those organizations membership in which there is a presumption of lack of attachment as provided in section 315 of the proposed bill. However, the same exceptions in cases of persons who withdraw from designated organizations within 3 months after promulgation should apply to these denaturalization provisions. The subcommittee wishes to emphasize that this recommendation is not intended to place a condition subsequent upon naturalization. Its effect will be to create a rule of evidence which will have the effect of modifying the present law as interpreted in court decisions. However, the subcommittee does not wish to disturb naturalizations of long standing or to reopen cases which have been adjudicated under the present law. It therefore recommends that the rule should be applied only to naturalizations obtained after January 1, 1950.

4. The definition of affiliation is at present incomplete. However, the subcommittee recommends only that the criteria of affiliation be changed to make such criteria conclusive presumptions, which will make the law clearer. The present wording of section 305 (e), which states that these criteria "shall constitute" affiliation, is not clear in the opinion of the subcommittee.

2. DESERTERS AND DRAFT EVADERS

The subcommittee makes two recommendations for amendment to the present law relating to the ineligibility to naturalization of deserters from the armed forces. The present law provides that the desertion or draft evasion operates to make the alien ineligible to citizenship only "upon conviction by a court martial." The subcommittee recommends the addition of the phrase "or a court of competent jurisdiction" to insure that conviction shall in all cases be prerequisite to establishment of ineligibility to naturalization.

[56] See ch. VII, p. 747 of this part.
[57] Sec. 339 (c), omnibus bill.

The subcommittee also recommends that the prohibition against going abroad with intent to avoid any draft or service be extended to persons who have not enrolled for such service.

3. APPLICANTS FOR EXEMPTION FROM TRAINING AND SERVICE

The subcommittee recommends enactment into the naturalization law of the essential provisions of section 4 (a) of the Selective Service Act of 1948 providing that an alien who, not being deferrable or exempt from training and service, applies for relief from such training and service on the grounds of his alienage prior to his induction shall be forever barred from applying for naturalization.

4. ALIEN ENEMIES

The subcommittee makes recommendations for two changes in existing law relative to naturalization of alien enemies, viz:

(1) Transfer from the President to the Commissioner of Immigration and Naturalization the discretionary power to except an alien enemy from classification as such, thereby making him eligible to file a petition for naturalization. This recommendation is made because the exemption is predicated on a complete and thorough loyalty investigation made by the Commissioner, who would therefore have adequate information on which to base an order of exception.

(2) Provide that an alien enemy shall, for the purposes of naturalization, cease to have the status of an alien enemy upon the determination by proclamation of the President, or by concurrent resolution of the Congress, that hostilities between the United States and the alien enemy's country have ended.

This provision will enable the Immigration and Naturalization Service to proceed to process pending alien enemy petitions for naturalization after hostilities have ceased but before a formal treaty of peace has been ratified.

CHAPTER VI

HOW TO BECOME A CITIZEN

A. Declaration of Intention

The Nationality Act of 1940 establishes certain formal requirements that an alien must meet before he can present himself in court to take the oath of allegiance as a new citizen. First, he must be in the country legally, and as proof of this legal entrance he must have a certificate of arrival.[1] If he came to the United States prior to July 1, 1924, and does not have a record of admission for permanent residence, he can make a satisfactory showing to the Commissioner of his entry, that he has resided in the United States continuously since such entry, that he is a person of good moral character, and that he is not subject to deportation. This showing is the equivalent to having been lawfully admitted to the United States for permanent residence.[2]

The certificate of arrival, which is required of all persons who entered the United States after June 29, 1906, must contain the date, place, and manner of arrival.[3] Once the alien has this certificate, he may proceed to file his declaration of intention to become a United States citizen. This declaration must be made not less than 2 nor more than 7 years prior to his petition for naturalization.[4] The declaration must be made under oath and executed only in the office of the clerk of the court or of the clerk's deputy, unless the applicant is prevented from so doing because of sickness or other physical disability. The alien need not be resident within the jurisdiction of the court when he makes his declaration so long as he is a resident of the United States.[5] The alien must have reached his eighteenth birthday before he can file such a declaration in his own behalf.[6] He need not be racially eligible, since the Service takes the view that one who declares his intention to become a citizen has the right to have his racial eligibility determined by the court. There are at the present time declarations of intention on file made by those who are racially ineligible and who know they are racially ineligible to citizenship, but who, nevertheless, desire to express in this manner their desire for American citizenship.

The act sets forth a copy of the required declaration of intention.[7] It requires full and complete personal information on the petititoner, who must declare under oath or affirmation that (1) he is not an anarchist or an affiliate or member of an organization of such persons; (2) his intentions are bona fide, and that he intends to reside permanently in the United States; (3) upon admission to citizenship he

[1] Sec. 329 (b).
[2] Nationality Act of 1940, sec. 328.
[3] Ibid., sec. 329 (b).
[4] Ibid., sec. 331.
[5] Ibid., sec. 330.
[6] Id.
[7] Id.

will renounce any foreign allegiance; and (4) the photographs attached are likenesses of himself.

The statements made by the applicant as to his race and nationality are not investigated at the time this application is submitted. Such an investigation is made when the declaration is submitted in support of a petition for naturalization.[8]

If the preliminary application is for any reason defective, the application is returned to the applicant with a detailed statement of the defects.[9] Should the application disclose a material defect which makes the applicant ineligible to file a declaration, such as the failure to attain the required age, or a failure to establish a lawful admittance for permanent residence, or a failure of the required United States residence, the applicant is notified of the respects in which he is ineligible and his papers are returned to him.[10]

If the preliminary application is accepted, a certificate of arrival is issued by the designated officer in the central office.

The last page of the preliminary application form is then mailed, together with two photographs, to the clerk of the naturalization court in which the alien applicant desires to file his declaration of intention.[11] This is to serve as notice to the clerk that the applicant intends to apply for a declaration of intention. Therefore, a statement generally accompanies this form to the effect that the applicant is to appear before the clerk and if the applicant does not make his appearance within 90 days to return all such papers which have been forwarded to the court.

Notice is likewise given to the applicant that his papers have been so forwarded and that his papers will be returned to the Naturalization Service if he does not respond to the notice within 90 days.[12]

1. FILING OF DECLARATION OF INTENTION

After notice has been received by the applicant that his papers have been forwarded to the court of naturalization, he may file his declaration of intention, which must be made under oath in the office of the clerk of the naturalization court, unless the applicant cannot appear in the court by reason of some "sickness or other disability." [13] If the oath is taken elsewhere than the court of naturalization it must be at a place designated by the clerk or his authorized deputy.[14] In this case, as in many others, an affirmation in a judicial form will suffice instead of an oath, if the applicant will not subscribe to an oath due to religious reservations.[15]

After the declaration has been signed by the applicant and the oath has been administered, the triplicate copy is delivered to the applicant. After that copy has been received by the applicant, he is required to wait at least 2 years before filing his petition for naturalization. He cannot wait more than 7, however.[16] There is a warning to the alien on the triplicate copy of the declaration that the applicant will not be notified when to proceed toward naturalization by

[8] Nationality Manual, sec. 825.1.
[9] Ibid., sec. 825.2.
[10] Ibid., sec. 825.3.
[11] Ibid., sec. 825.7.
[12] Id.
[13] Nationality Act of 1940, sec. 331.
[14] Id.
[15] Nationality Manual, sec. 827.7 (b).
[16] Nationality Act of 1940, sec. 331.

the Government or the court but must file his petition on his own volition.[17]

Since the 1940 act was passed, it has been possible to amend the declaration of intention.[18] Prior to the effective date of that act, the courts had generally denied the applicant that right. An application to amend a declaration of intention should be addressed to the court at the final hearing.[19]

In many respects the declaration of intention is a duplicate of the petition for naturalization. Officers of the Service who testified before the subcommittee were almost unanimous in expressing the view that the declaration of intention now serves no useful purpose, and that in the interest of economy and efficiency it might well be eliminated, thus allowing a legally resident alien to file his petition for naturalization without the necessity of first filing a similar declaration of intention.

B. Petition for Naturalization

When a legally resident alien has resided in the United States the required length of time, in most cases 5 years,[20] he may proceed to petition for naturalization if he meets the other requirements as to age and race. Ordinarily he must have filed his declaration of intention not less than 2 nor more than 7 years prior to filing his petition for naturalization,[21] but this requirement is waived in certain cases, as discussed above.

1. RESIDENCE

Whereas the alien was not required to reside within the jurisdiction of the court when his declaration of intention was filed, generally he is required to reside within the territorial jurisdiction of the court in which he files his petition for naturalization.[22] An exception to this requirement is made in the case of an alien spouse of a citizen residing abroad while working for the Government or any one of a specified number of organizations.[23] Another exception is made in the case of seamen.[24] Aside from these and a few other exceptions noted elsewhere in this report, the petitioner for naturalization must have resided continuously in the United States for at least 5 years and within the State for at least 6 months.

2. FORM OF THE PETITION

The information required in a petition for naturalization is essentially the same as required in a declaration of intention. Suggested forms are set forth in full in the act with the requirement that the forms used by the Service comply substantially with those set forth in the act.[25] The petition must be signed by the applicant in his own handwriting unless he is physically unable to do so.[26] By the time the alien is ready to petition for naturalization he must be able

[17] Nationality Manual, sec. 828.1.
[18] Ibid., sec. 828.5.
[19] Ibid., sec. 858.6.
[20] Nationality Act of 1940, sec. 307 (a).
[21] Ibid., sec. 331.
[22] Nationality Manual, sec. 832 (e).
[23] Nationality Act of 1940, sec. 312.
[24] Ibid., sec. 325.
[25] Ibid., secs. 331 and 332.
[26] Ibid., sec. 332 (a).

to speak the English language, but the law does not require that he be able to read and write English.[27]

8. HEARINGS

The hearings conducted on a petition for naturalization are generally in three parts; the first is a preliminary examination which is somewhat in the nature of a hearing, and which is conducted for the purpose of securing information concerning the alien's admissibility to citizenship. If facts are developed in this preliminary examination which would lead to a denial of the petition, the alien is so notified.[28]

On the day specified by the notice, the preliminary examination is held; generally, this examination is held prior to the filing of the petition. It is conducted in the office of the clerk of the court or in the office of the Service by a naturalization examiner. The alien and his two citizen witnesses are present, and each is interviewed separately under oath. The alien is asked to show his knowledge of our Government and the principles of the Constitution, and to demonstrate his ability to speak English. He is also required to sign his petition in his own handwriting. The questioning on the Constitution and the alien's knowledge of Government may include questions on the development and history of the United States, the organization and functions of the Government, Federal, State, and local, and the relationship of the individual to his Government.[29] The alien is also questioned concerning the statements he has made in his petition for naturalization. These questions are generally directed to the particulars concerning entry into and absences from the United States, employment, places of residence in the United States, and such matters as his police record and his organization affiliations.

Each of the alien's witnesses is then questioned separately.[30] Their qualifications are established and their knowledge of the applicant's background is developed. Their statements are checked against those of the alien.

Following this preliminary examination and after the petition has been filed, a preliminary hearing is held for the purpose of making findings and arriving at recommendations to be presented to the naturalization court at the final hearing on the petition. This hearing is conducted by designated examiners appointed by the Service. The function of designated examiners will be discussed later in this chapter. Generally, however, the actual work of the investigations, hearings, and recommendations is done by the designated examiners.

This preliminary hearing before the designated examiner is held as soon after the filing of the petition as is feasible. Whenever possible, the designated examiner is not the same person as the one who conducted the preliminary examination. However, the designated examiner does have before him at the preliminary hearing the report on the preliminary examination.

The hearing is open to the public, and the petitioner and his witnesses are present and under oath, while in the preliminary examination the applicant and his witnesses were examined separately.[31] In this

[27] Ibid., sec. 304.
[28] Nationality Manual, sec. 835.1.
[29] Ibid., sec. 835.82.
[30] Ibid., sec. 835.73 (b).
[31] Ibid., sec. 841.7.

hearing the petitioner and the witnesses are examined in one another's presence.

The examination by the designated examiner is not limited to the information contained in the petitioner's record, nor is he limited to questioning only the petitioner and his witnesses. He may utilize information from other sources, and he may question other witnesses concerning the petition for naturalization.[32]

If the designated examiner is satisfied that the petitioner is entitled to a favorable recommendation, he may excuse the witnesses from further appearance.[33] If the designated examiner's recommendation is unfavorable, the petitioner is so notified and is advised of his right to appear in court with his witnesses at the final hearing to support his petition for citizenship.[34]

Should the designated examiner be unable to determine whether to report favorably or unfavorably on the petition without further proof, he may continue the hearings until that proof is received. When the hearing is concluded, the designated examiner lists the petitioners on a docket list together with his recommendations, and the list is available to the court when desired.

4. WITNESSES

Each alien who petitions must have two citizen witnesses to vouch for him and his statement.[35] If a witness claims to be a naturalized citizen, the examiner will generally ask to see his certificate. If the witness claims to be a native-born citizen, the examiner will inquire as to the date and place of birth. While no age limitation has been placed on witnesses by the act or by the regulations, most courts insist that witnesses be at least 21 years of age.[36] The witness, in addition to being of age and being a citizen, must be credible and must have a personal knowledge of the applicant's history and background.[37] Some courts also require that witnesses not be close relatives of the petitioner, although there is no such limitation in the law or regulations.

5. INVESTIGATIONS

The completeness of the investigation of each petitioner depends upon whether the information elicited at the preliminary hearing casts any doubt on the fitness of the candidate for citizenship. If all appears to be in order, generally only the FBI records and the local police records are checked. However, if something seems amiss to the naturalization officers, then they may resort to neighborhood investigations and/or examination of selective-service records, alien-registration records, or census records. Investigations of selective-service records are generally confined to those cases in which there is evidence (1) that the petitioner was rejected on the ground that he was morally unfit or (2) that the petitioner had claimed exemption from service in the armed forces because of his alienage.[38]

Neighborhood or outside investigations are also generally made when the examiner decides that further inquiry is needed. These investi-

[32] Id.
[33] Ibid., sec. 841.7 (c).
[34] Id.
[35] Nationality Act of 1940, sec. 332 (a).
[36] Nationality Manual, sec. 835.93 (b).
[37] Ibid., sec. 835.93 (c).
[38] Ibid., sec. 842.23.

gations are, as the name implies, mainly concerned with interviews of neighbors of the petitioner and past and present employers.[39]

6. FINAL HEARING

When all investigations have been made and the alien's petition is ready for final action by the court, the case is then ready for what is called final hearing. This final hearing must be held in open court before the judge of the naturalization court, the only exceptions being in the cases of persons prevented by sickness or other disability from so appearing. In such cases the judge of the court may designate another place for the final hearing.[40]

The final hearing cannot be held within 30 days of the filing of the petition nor within 60 days of a general election that is held within the territorial jurisdiction of a naturalization court.[41] In addition, these hearings must be conducted only on stated days fixed by rule of the court.[42]

At the final hearing the Service is represented by a naturalization examiner or some other officer of the Service, who presents to the court the findings and recommendations of the Service, and, in addition, cross-examines the petitioner and his witnesses. If the Service opposes the naturalization, the objection must be in writing in the form of a motion for an order denying the petition, which motion will be followed by the reasons supporting the request for the denial.[43]

The designated examiner may excuse the petitioner's witnesses from appearing at the final hearing, in which case the court may dispense with the examination of the petitioner under oath.[44] Otherwise, in the ordinary course of affairs, the petitioner would appear in court with his witnesses, and he may, if he so desires, be represented by counsel.

When the court has heard the petitioner and his witnesses and listened to the recommendations of the Service, the court makes its determination. If the petition is granted, the petitioner proceeds to take the oath of renunciation and allegiance in which he swears to renounce all former allegiance and to bear allegiance to the United States.[45] If the petition is denied, the petitioner may either (1) apply for a rehearing; (2) appeal; or (3) file a new petition.[46] If he follows the latter course and files a new petition, a question of law or fact which has been determined in his first petition cannot be attacked in subsequent proceedings by the same parties.[47]

If the petition is granted, an order of admission is prepared, and the alien is then ready to take the oath of citizenship set forth in section 335 of the Nationality Act.

7. RENUNCIATION OF HEREDITARY TITLE OR ORDER OF NOBILITY

In addition to taking the oath required by section 335 of the Nationality Act of 1940, the same section requires that an alien who

[39] Ibid., sec. 842.8 (b).
[40] Nationality Act of 1940, sec. 334.
[41] Ibid., sec. 334 (c).
[42] Ibid., sec. 332 (d).
[43] Nationality Manual, sec. 858.13.
[44] Ibid., sec. 858.3.
[45] Nationality Act of 1940, sec. 335 (a).
[46] Nationality Manual, sec. 861.
[47] Ibid., sec. 863.5.

has borne any hereditary title or has been of any of the orders of nobility, must make, under oath in open court, an express renunciation of his title and this renunciation must be recorded in the court as part of the proceedings.

8. CERTIFICATE OF NATURALIZATION

When the petitioner has been admitted to citizenship, he is entitled to a certificate of naturalization as evidence of his citizenship.[48] If he is one of those aliens who registered under the Alien Registration Act, he must surrender his alien registration receipt card before receiving his naturalization certificate.[49] The certificate is made out in duplicate, the original going to the newly made citizen and the duplicate to the district director of the Service. Provision is made in the law for issuance of duplicates to replace lost certificates and for issuance of special certificates where required by law.[50] In the case of a certificate of naturalization or citizenship which has been canceled, the person holding the same must surrender it to the Commissioner.[51]

C. Proposals for Changes in Procedures

The subcommittee has given careful consideration to the suggestions made at the hearings and in memoranda submitted by Service personnel relating to proposed changes in procedural matters affecting naturalization of aliens. These suggestions fall generally into six categories, discussed below, viz:

1. DECLARATION OF INTENTION

There is an almost unanimous recommendation that the declaration of intention be dispensed with. As pointed out by several witnesses and others making suggestions to the subcommittee, the information required in the declaration of intention is practically the same as the information required in the petition for naturalization. Officials of the Service pointed out that it now serves no useful purpose, except that it does, to some extent, govern the rights of aliens to obtain gainful employment under State laws, since many States require that a legally resident alien shall have filed his declaration of intention before he can obtain work.

2. WITNESSES

The subcommittee has also received numerous suggestions in the hearings and in memoranda submitted by Service officers to the effect that the requirement of two witnesses required to support each petition for naturalization should be abolished. One of the main reasons for this suggestion is that the witnesses, being chosen by the petitioner, are naturally prejudiced in his favor, and are therefore not impartial judges of whether or not the petitioner should be naturalized. There is also some evidence to the effect that the witnesses are professional witnesses, and that they therefore are not qualified to endorse

[48] Nationality Act of 1940, sec. 336.
[49] Nationality Manual, sec. 865.5.
[50] Nationality Act of 1940, sec. 341.
[51] Ibid., sec. 338 (f).

and testify to the fitness of the petitioner for citizenship. On the positive side, there are suggestions that the petitioner's qualifications for citizenship can be ascertained better by a more detailed questioning of the petitioner himself, or, better, by a complete and thorough investigation of the petitioner in the neighborhoods where he works and lives and has worked and lived.

While the Nationality Act provides for subpena of witnesses at a preliminary hearing and for calling of witnesses in any naturalization proceedings in court, specific provision is not made for subpenaing the petitioner. The subcommittee feels that the proposed bill should contain the requirement that the petitioner be required to attend hearings and is so recommending.

The subcommittee also notes that the present law does not require that the petitioner prosecute his petition to final adjudication. Officers of the Immigration and Naturalization Service have pointed out that in numerous instances the Service spends considerable time and money in making investigations and gathering information for a hearing, only to have the petitioner move to dismiss his petition when he finds that his petition may be acted on adversely. Accordingly, the petition is dismissed without prejudice and the alien is then free to seek another court in which to file his petition for naturalization. The subcommittee is making recommendations designed to stop this practice, and to insure that petitions be prosecuted to final adjudication unless the Service consent to withdrawal of the petition.

3. INVESTIGATIONS

At the present time investigation of a petitioner for naturalization is made only in cases where the preliminary hearing casts any doubt on the fitness of the petitioner for citizenship. Approximately 5 percent of all petitioners are so investigated, the other 95 percent of petitions being supported by testimony of witnesses.

4. DESIGNATED EXAMINER SYSTEM

Reference has been made to the work and function of the designated examiner in judicial naturalization proceedings. This is a procedure on which there are decided differences of opinion and some considerable controversy. This system has been in use since 1926 when the act of June 8, 1926,[52] amended the then-existing law by adding a new subsection providing that the court was authorized to designate an examiner of the Service to make his report and recommendations to the court.

From 1926 until 1940 this system was in use in the Federal courts only. When the general revision of the naturalization laws was under consideration in 1940, proposal was made that the law be amended to extend the designated examiner system to State naturalization courts, and to provide that the Service, and not the courts, should designate the examiner. Both of these proposals were incorporated in the act of 1940 and are a part of section 333.

In 1944, Operations Instruction 373 was issued by the Service which provided, in substance, that certain petitions for naturalization filed

[52] 44 Stat. 709.

in court under the designated examiner system, or without that system, should be submitted to the central office for review. The petitions coming under this instruction included (1) petitions in which denial was to be recommended, (2) petitions in which it was to be recommended that the petition be granted, but where it was desired that all the facts in the case be brought to the attention of the court, and (3) doubtful cases. Straight grant cases were not to be subject to central office review under O. I. 373.

Testimony submitted to the subcommittee from all over the country discloses that the system of designated examiners together with the procedure under O. I. 373 has been subject to severe criticism and some abuse. The designated-examiner system is permissive and not mandatory. While most of the Federal courts and some of the State courts use the system, there is no statutory obligation upon them to do so.

At least one district judge has refused to use the designated-examiner system in his court. In 1945 a district judge for the district of Oregon in *Petition of Boric* [53] directed that the petition be set again for hearing and directed the designated examiner to bring into court, prepared for introduction into evidence, the records of the case and whatever other evidence was available. In this case it appeared that the naturalization judge was the same judge who had presided at a previous hearing on an application for citizenship, and who had sentenced the applicant for the crime of perjury. The judge recognized the applicant and refused to follow the designated examiner's favorable recommendation which he had been instructed to make by the central office under O. I. 373.

Testimony in favor of continuation of the designated-examiner system with appointment of the examiner by the Service, and continuation of O. I. 373 was submitted by witnesses of the central office, while in many cases field officers favored abolishing both procedures.

The argument in favor of appointment of designated examiners by the Service is made on the ground that the Service, by having such authority, is able to appoint men qualified in naturalization work and naturalization law. On the other hand, when the designated examiner, acting under instructions of O. I. 373, stands before the court, he cannot even express his own opinion when the judge, himself, calls for it. Testimony from officials of the central office is to the effect that there are some differences of legal opinion as to the exact status of the designated examiner. The Service itself has adopted the view that the designated examiner is an officer of the Immigration and Naturalization Service, and subject to the direction and control of the Commissioner.

One official from the central office conceded in his testimony before the subcommittee that, while the designated examiner was in court, he was an official of the court and responsible thereto, insofar as the discharge of his duties is concerned; but that in making recommendations, and in the standards which are used in determining findings of fact and conclusions of law, the designated examiner was amenable to the direction and supervision of the Commissioner. He also expressed the opinion that it would be improper for a designated examiner to make recommendations that were his personal conclusions or

[53] 61 F. Supp. 133.

findings, except to the extent that he had been delegated authority to make them for the Service.

Testimony relating to O. I. 373 is likewise contradictory. The instruction was put into effect in the first instance for the purpose of creating uniformity throughout the Service and for the establishment of precedents. There is considerable testimony to the effect that this objective has been accomplished and that, at the present time, O. I. 373 serves no good purpose. Some of the field officers charged with administration of the law under O. I. 373 expressed the opinion that the instruction hampered them in the use of their judgment and in applying general principles of law and standards to specific facts and cases. They expressed the belief that officials in the field who can interview the petitioner personally are better qualified to determine his eligibility for naturalization than is a review officer who has nothing before him but the file in the case.

5. FINAL HEARING

One of the provisions of section 334 of the Nationality Act is to the effect that no final hearing shall be held on any petition for naturalization nor shall any person be naturalized nor any certificate of naturalization issued by any court within 60 days preceding the holding of any general election within the territorial jurisdiction of the naturalization court. There was testimony to the effect that this provision of existing law should be repealed, since in some jurisdictions, particularly in the urban areas, this provision caused great congestion in the court dockets. The subcommittee is sympathetic to the problem which this restriction of the law creates, and attempts to reach a solution in the recommendations hereinafter set out.

6. OATH OF ALLEGIANCE

As stated above, when the alien's petition for naturalization has been approved, and an order of admission entered, he is entitled to appear in court and take an oath renouncing all former allegiances and swearing his allegiance to the United States. The present oath of allegiance was set out in the law for the first time in the 1940 act. Because of its importance, and because the interpretation of the oath has been changed and modified by a recent court decision, it is set out here in full as follows:

> I hereby declare, on oath, that I absolutely and entirely renounce and abjure all allegiance and fidelity to any foreign prince, potentate, state, or sovereignty of whom or which I have heretofore been a subject or citizen; that I will support and defend the Constitution and laws of the United States of America against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same and that I take this obligation freely without any mental reservation or purpose of evasion: So help me God. In acknowledgment whereof I have hereunto affixed my signature (54 Stat. 1157; 8 U. S. C. 735).

As early as 1790, in the first naturalization law, the alien was required to take an oath that he would support the Constitution of the United States.[54] Every subsequent law has contained this provision in one form or another. Since 1923, the application form for naturalization has contained the following question: "If necessary, are you willing to take up arms in defense of this country?"

[54] 1 Stat. 103.

Although the requirement to bear arms is not set out specifically in those words in the oath, the Service has contended for many years that such a requirement follows necessarily from the requirement of attachment to the Constitution. Such an interpretation was made by the Supreme Court in the Schwimmer case,[55] discussed below. The Schwimmer case was overruled in 1946 by the Girouard case,[56] also discussed below.

The subcommittee realizes and respects the fact that the question of whether or not a person must bear arms in defense of his country may be one which invades the province of religion and personal conscience. However, the decision in the recent Girouard case leaves no alternative but to redefine the intent of Congress in this matter.

7. COURT DECISIONS

The first case which laid down the rule of law that an alien who refuses to promise to bear arms in defense of the United States if called upon to do so could not be naturalized was *United States* v. *Schwimmer*. The applicant, Mrs. Schwimmer, 49 at the time, was an immigrant from Hungary. She was a woman of wide learning and general culture, by profession a writer and lecturer. She had come to the United States in 1921, declared her intention to become an American citizen in November 1922, and filed a naturalization petition in September 1926. She was willing to take the oath of allegiance, but when asked whether, if necessary, she was willing to take up arms in defense of the United States, she answered, "I would not take up arms personally." The Naturalization Act of 1906,[57] then in effect, provided:

> He [the applicant] shall, before he is admitted to citizenship, declare on oath in open court * * * that he will support and defend the Constitution and laws of the United States against all enemies, foreign and domestic, and bear true faith and allegiance to the same—

And further—

> It shall be made to appear to the satisfaction of the court * * * that during the time [at least five years preceding the application] he has behaved as a man of good moral character, attached to the principles of the Constitution of the United States, and well disposed to the good order and happiness of the same * * *.

Mrs. Schwimmer called herself an "uncompromising pacifist * * * [with] no sense of nationalism, only a cosmic consciousness of belonging to the human family." She expressed her willingness to be treated as the Government treated conscientious objectors in World War I. She also showed a disposition to discourage others from bearing arms.

The two principal grounds of the court's decision against Mrs. Schwimmer were (1) that Mrs. Schwimmer had not established that she was attached to the principles of the Constitution and well disposed to the good order and happiness of the United States, and (2) that she could not take an unqualified oath of allegiance. The central idea of the decision was not so much that the oath of allegiance included or implied an obligation to bear arms, but that the beliefs of conscientious objectors "* * * evidence a want of that attachment to the

[55] *United States* v. *Schwimmer*, 279 U. S. 644 (1929).
[56] *Girouard* v. *United States*, 328 U. S. 61 (1946).
[57] 34 Stat. 596.

principles of the Constitution of which the applicant is required to give affirmative evidence by the Naturalization Act."

The Schwimmer case was followed 2 years later by *United States* v. *Macintosh*.[58] This case was decided principally upon authority of the Schwimmer case, although there are distinguishing features. In the Macintosh case, the refusal of the petitioner unequivocally to promise to bear arms was based upon a personal religious belief.

Macintosh was an ordained Baptist minister, a professor of theology at Yale. His petition was denied by the district court because any promise to bear arms was conditioned upon a war's being "morally just" in the opinion of Macintosh. He "would not undertake to support 'his country, right or wrong' * * * however 'necessary' the war might seem to the government of the day." He was not a pacifist, but said that he could not put allegiance to the state ahead of allegiance to God, nor could he leave his personal moral determinations to the majority. He would support the United States only in what he personally thought was a just war.

The Court rejected Macintosh's petition, on the grounds that: (1) The war power conferred upon Congress by the Constitution can compel one to serve in the armed forces even against his religious convictions; (2) the Government may question an applicant on all questions bearing upon his attachment to the Constitution; (3) doubts concerning citizenship should be resolved in favor of the United States rather than of the applicant; and (4) the petitioner could not take an unqualified oath because the oath included a promise to defend the United States by whatever means were deemed necessary by Congress. The Court seemed to take for granted that to take the oath without a promise to bear arms would be to take a qualified oath. The applicant, said the Court, had to meet the law on its terms.

There was a dissenting opinion which pointed out that the Congress had made no exaction of a promise to bear arms, by implication or otherwise. Among the specific requirements as to belief, laid down by the law, none concerned opposition to war, or a promise to bear arms as a condition to naturalization. The dissent also pointed out that the long-established exemptions granted to conscientious objectors, exemptions dating from colonial times, as shown in early laws and constitutions of the Federal Government and of the States, indicated that Congress, in the terms of the oath, did not intend to require a promise to give military service. It was also pointed out that the words of the oath of civil office and of the naturalization oath were similar and parallel, and that the Constitution requires that no religious test for office shall ever be required as a qualification to any office or public trust under the United States.

Another case, decided on the same day as the Macintosh case, was that of the *United States* v. *Bland*.[59] In the Bland case, naturalization was denied to a woman applicant, a native of Canada who had spent 9 months in France in World War I as a United States Army nurse. She had refused to take the oath as written and had requested that she be allowed to insert "as far as my Christian conscience will allow" into the naturalization oath. The Bland case was the only case of the three which presented the case of an actual noncombatant who, despite her service, was denied naturalization.

[58] 283 U. S. 605 (1931).
[59] 283 U. S. 636 (1931).

These three decisions were the judicial interpretations of the law until 1946, when the Girouard case was decided by the Supreme Court. Prior to the Girouard case, it was the settled law that the oath of allegiance included by implication a promise to bear arms and that a refusal to do so was also indicative of nonattachment to the principles of the Constitution. With the present oath of allegiance in effect, Girouard refused to promise to bear arms because he was a Seventh-Day Adventist. He was willing, however, to serve in a noncombatant capacity. He had never been required to do so. In overriding the Schwimmer, Macintosh, and Bland cases, the Court took into consideration and stated that the Second War Powers Act of 1942 [60] strengthened its interpretation that the oath did not require bearing arms.

This Second War Powers Act provided for the expeditious naturalization of aliens serving in the armed services, making no distinction between those serving in a combatant or noncombatant capacity. No change in the oath was made. Under the Second War Powers Act, another Seventh-Day Adventist was admitted to citizenship, even though he could not promise to bear arms, because he was serving as a noncombatant in the Army.

The Court based its decision in the Girouard case on the following five points: [61]

1. Our institutions may be supported and defended by means other than by the bearing of arms.
2. The oath does not in terms require an alien to promise to bear arms.
3. Congress has not made such a finding a prerequisite to citizenship.
4. The naturalization oath is in substantially the same terms as the oath required of persons assuming public office, the latter never having been construed in disregard of religious scruples.
5. Congress has consistently, since colonial times, granted exemptions from military service to conscientious objectors.

The dissent in the Girouard case noted that congressional silence and refusal to change the law as interpreted in the Schwimmer, Macintosh, and Bland cases had the effect of enacting these decisions into the 1940 revision of the nationality law. This dissent also called attention to the fact that it is a familiar principle of statutory construction that where a legislature is silent following a judicial interpretation of an act and reenacts the law, unchanged in regard to that interpretation, the judicial interpretation becomes a part of the statute. The dissent also noted that when the Second War Powers Act of 1942 was enacted, Congress did not have before it, and was not considering, the oath of allegiance contained in the Nationality Act.

D. Conclusions and Recommendations

The subcommittee has reached conclusions and makes recommendations relating to the procedural phases of acquisition of citizenship, as follows:

1. The declaration of intention serves no useful purpose in the naturalization process and should therefore be eliminated. Procedures in the proposed bill, therefore, do not include filing of declaration of intention by an applicant for naturalization.

[60] 56 Stat. 176.
[61] As summarized by Rudnick, Supreme Court Changes Interpretation on Bearing Arms, Immigration and Naturalization Monthly Review, May 1946, pp. 302-303.

2. The requirement of witnesses to support a petition for naturalization is operative chiefly in petitions which need no substantiation. In doubtful cases the witnesses may even be "professional" witnesses, and in all cases, being chosen by the petitioner, are prejudiced in favor of the petitioner.

Therefore the subcommittee recommends the elimination of the provision for two witnesses to support a petition for naturalization.

3. In lieu of such supporting statements, the subcommittee recommends that the Service be required to make a complete "neighborhood investigation" of the petitioner, both in his place of abode and in his place of employment or work.

4. With regard to the designated examiner system, the subcommittee has given serious consideration to the proposal that designated examiners be appointed by the court, as was the practice prior to enactment of the Nationality Act of 1940. However, the subcommittee recognizes that as a practical matter the designated examiner must be a person trained and experienced in naturalization procedure and that he would, therefore, be appointed from the Service personnel, regardless of whether the designation was made by the Service or by the court. The subcommittee therefore recommends that the power of appointment of designated examiners be kept in the Service, but that in any petition where the case is sent to the central office for review, and the conclusions of that office do not agree with the recommendations of the designated examiner, the recommendations both of the central office and of the designated examiner be presented to the court, at the request of the court.

5. The present provision that no final hearing on a petition for naturalization shall be held nor that any person shall be naturalized or certificate of naturalization issued by the court within 60 days preceding the holding of any general election is one which causes delay and congestion in the courts. While sympathizing with the problems which this provision creates, the subcommittee nevertheless feels that the 60-day prohibition against naturalization should be continued. However, in an attempt to relieve the congestion in the courts, the subcommittee recommends that naturalization petitions be allowed to proceed through final hearing during such period, but that the petitioner not be permitted to take the oath prior to the day next following the general election, and that in such cases the petitioner shall not be deemed to be a citizen until he takes the oath.

6. The subcommittee recommends that a petition once filed shall be prosecuted to final adjudication, unless the Service agrees to withdrawal. The subcommittee also recommends that specific authorization be given to subpena the petitioner to appear in his naturalization petition proceedings.

7. The subcommittee has given careful and serious consideration to all of the arguments for and against requiring a petitioner for naturalization to promise to bear arms in defense of this country. The subcommittee realizes that religious freedom and freedom of conscience is basic in our political and social life. The subcommittee is not prepared to affirm that, in every case, an alien petitioner for naturalization who has conscientious and religious scruples against bearing arms, even in defense of his country, would not, in all other respects, make a good American citizen and contribute his full share to the American way of life.

Nevertheless, the subcommittee recommends that the oath of allegiance be amended to require specifically that the alien shall promise to bear arms if the defense of the United States shall so require, unless the alien is conscientiously opposed to participation in war in any form, by reason of his religious training and belief. In such cases, in lieu of a promise to bear arms, the alien shall take an oath to defend the United States by noncombatant service. When any alien shall assert his opposition to participation in war in any form because of his personal religious training and belief, his opposition and his religious training and belief shall be made to appear to the court by clear and convincing evidence.

CHAPTER VII

HOW CITIZENSHIP MAY BE LOST

Generally, loss of citizenship is the result of an overt act, although there are cases where such loss may be classified as "involuntary." [1] However, it is possible in some cases for a person who has lost his American citizenship to take positive and affirmative action to regain it.[2] There are 10 acts by which both native-born and naturalized citizens may lose American citizenship.[3] They are (1) obtaining naturalization in a foreign state; (2) taking an oath of allegiance to a foreign state; (3) serving in foreign military forces; (4) civilian employment in a foreign state; (5) voting in foreign elections; (6) formal renunciation; (7) deserting armed forces in wartime; (8) committing treason; (9) making a formal written renunciation in the United States during time of war; and (10) departing from or remaining outside of the United States in time of war or during a national emergency with the purpose of evading or avoiding training and service in the armed forces.

In addition, citizens by naturalization may lose their citizenship by residence abroad in certain cases and may be denaturalized for fraud or illegality in obtaining their naturalization.

A. By Native-Born and Naturalized Citizens

All of the acts by which both native-born and naturalized citizens may lose citizenship must be overt and voluntary, except in the case of children who lose nationality as a result of their parents' naturalization in a foreign state. This does not mean that the person need have knowledge at the time he commits the act that his action will result in loss of citizenship. This is particularly true in the case of voting in foreign elections. The most recent instances of this occurred in 1946 and 1948, when many of our citizens voted in the Italian national elections.

1. OBTAINING CITIZENSHIP IN A FOREIGN STATE

A person who obtains naturalization in a foreign state automatically loses his Amercan citizenship, whether he gained that citizenship by birth or naturalization.[4] Minor children whose parents are so naturalized in a foreign state take on the new nationality of their parents but do not lose their American citizenship until they are 23 years of age. During this time, they are considered as dual nationals. If, however, the person reaches his twenty-third birthday without having become a permanent resident of the United States he loses his American citizenship and nationality, but a 2-year period is allowed during

[1] Nationality Act of 1940, sec. 401 (a).
[2] Ibid., sec. 317 (c).
[3] Ibid., sec. 401.
[4] Ibid., sec. 401 (a).

which such persons over the age of 23 may return to the United States, without compliance with the immigration laws, provided they have not theretofore expatriated themselves by their own voluntary act.[5] Unlike the period of time allowed in other sections of the act for return of American nationals abroad, that period of time allowed those who lost their citizenship through their parents' naturalization in a foreign state to return to the United States was not extended after January 13, 1943. Consequenty, all persons in this class who continued to reside abroad after that date are deemed to have elected against American citizenship and are at this time precluded from claiming it.

This provision went into effect during the war, at a time when it was impossible, in many instances, for the person who was a dual national to return to the United States to take up permanent residence here in order to retain American citizenship. It is difficult to estimate accurately the number of persons who have lost American citizenship under this subsection of section 401, but officials of the Department of State consider that they constitute a considerable group. The Immigration and Naturalization Service has statistics for the fiscal years 1948 and 1945, to the effect that 1,106 citizens expatriated themselves in the fiscal year 1948 and 738 in the fiscal year 1945. Statistics for the fiscal years 1946 and 1947 are not available.

The subcommittee is sympathetic with those American citizens who were caught abroad during the war and who were unable through no fault of their own to return to the United States and take up permanent residence within the time required by the law. A recommendation for an extension of time in such cases is being made.

2. TAKING AN OATH OF ALLEGIANCE TO A FOREIGN STATE

The taking of an oath of allegiance to a foreign state may or may not be a part of naturalization in that state. In the latter case it is a difficult matter to prove when the person alleged to have taken the oath denies it, or attempts to explain his action by stating that the oath was not "voluntary" or that it was taken under duress or in a group when the national himself did not subscribe to the oath. In such cases, the burden of proof really rests with the Government instead of upon the person. Officials of the Department of State who have charge of determination of citizenship in these cases have stated to the subcommittee that proof is, in many cases, most difficult if not impossible to obtain. The person involved pleads duress or that he took the oath with mental reservations, or involuntarily, and in such cases the Department has held that he did not lose citizenship. The subcommittee feels that this subsection should be amended to place the burden of proof on the person involved rather than on the Government, and is accordingly making such a recommendation.

Statistics are not available showing loss of nationality under this subsection for every year, but during the fiscal year ending June 30, 1948, a total of 536 persons lost American nationality by taking an oath of allegiance in a foreign state.[6]

[5] Ibid., sec. 318 (b).
[6] See chart appearing in appendix, p. 925.

3. SERVING IN FOREIGN MILITARY FORCES

Before enactment of the Nationality Act, entry into or service in the armed forces of a foreign state would not, of itself, cause loss of nationality. However, at the present time, a person enlisting in a foreign armed force, if he has or acquires the nationality of the state for which he is serving, is expatriated even though he does not take an oath of allegiance to that foreign state.[7] Conversely, of course, entrance into foreign service when an oath of allegiance is taken expatriates a person, even if he does not have or acquire the nationality of that foreign state.[8] This general rule of expatriation by entering foreign service is modified by certain Executive agreements made by the President with foreign countries which permit foreign service without expatriation, although in some cases they covered only draft service and were not broad enough to include voluntary enlistment. Such Executive agreements have been made with Australia, Belgium, Brazil, Canada, China, Colombia, Cuba, Czechoslovakia, El Salvador, Greece, India, Netherlands, New Zealand, Norway, Poland, Union of South Africa, the United Kingdom and Northern Ireland, and Yugoslavia.[9]

It has been held that service in the reserve forces of a foreign state will expatriate if the obligations thereby incurred were the same as those in active service, but again, only if nationality of the foreign state is acquired.[10]

The subcommittee feels that the provisions covering loss of nationality through service in the armed forces of a foreign country should be uniform and should not be dependent upon foreign law, and therefore is recommending changes in this subsection designed to effect such uniformity.

4. CIVILIAN EMPLOYMENT IN FOREIGN STATE

The prohibition against employment in a foreign state reads as follows:

> Accepting, or performing the duties of, any office, post, or employment under the government of a foreign state or political subdivision thereof for which only nationals or such state are eligible.[11]

This subsection is highly technical and has been the subject of much discussion and interpretation. Generally, expatriation does not result where the restriction as to "nationals only" is not generally enforced.[12] Likewise, if nonnationals are permitted to take such employment after an official of the foreign state has stated that no nationals are available, expatriation does not result.[13] It does not apply to those who have merely applied for employment, where the position is open to nationals only, or to temporary employment thereafter made permanent, where permanent employment is restricted to nationals only.[14] The fact that a person may be a national of the

[7] Nationality Act of 1940, sec. 401 (c).
[8] Ibid., sec. 401 (b).
[9] Nationality Manual, sec. 1452.33.
[10] Id.
[11] Nationality Act of 1940, sec. 401 (d).
[12] Nationality Manual, sec. 1452.5.
[13] Id.
[14] Id.

foreign state is irrelevant if the position is open to others than nationals.[15] The subsection does not, therefore, in many cases, affect dual nationals, and therefore has been ineffective in making such persons elect American citizenship exclusively. The subcommittee is recommending changes in this subsection which, it is felt, will strengthen the law and make for a determination of citizenship and an elimination of dual citizenship. As in other cases of loss of citizenship abroad, statistics are not available for all of the most recent fiscal years, but in 1948, 118 persons lost their American citizenship under the provisions of this subsection.[16]

5. VOTING IN FOREIGN ELECTIONS

This prohibition has likewise been subject to much discussion and conjecture. Generally, the election must be political and must have official effect. An opinionative referendum will not suffice.[17] "Political elections" include voting for local elections as well as provincial or national elections.[18] The outstanding violations of this prohibition were in the two countries of Japan and Italy following World War II. In the former case, it is stated that some 2,000 American women voted in the first general election under the occupation and thereby lost their American citizenship. A recent decision of the district court in California, however, indicates that these women would be considered not to have lost their citizenship because of a technicality that Japan, under the occupation, was not, in reality, a foreign country.[19]

The act of August 7, 1946,[20] amended section 323 of the Nationality Act, to provide for repatriation of any person who had lost citizenship by voting in a political election in a foreign state other than a state at war with the United States during World War II. Such a person was given 1 year from August 7, 1946, to take the oath of allegiance before any diplomatic or consular officer abroad or before any naturalization court in this country.

Special legislation to take care of those who voted in the Italian elections of 1946 and 1948, estimated to number 4,000, is pending in the Congress, but the subcommittee is not recommending that it be made a part of the proposed nationality law.

6. FORMAL RENUNCIATION WHILE IN A FOREIGN STATE

Formal renunciation by a native-born or a naturalized citizen abroad may be made only at a consulate of the United States before diplomatic or consular officers. The form for making such renunciation is prescribed by the Secretary of State, and is to be in affidavit form and includes pertinent data relating to the person's place and date of birth, his residence, the manner in which he acquired United States citizenship, that he desires to renounce such citizenship and

[15] Id.
[16] See chart table 15, appendix XIV, p. 925.
[17] Nationality Manual, sec. 1452.6 (c).
[18] Id.
[19] *Etsuko Arikawa* v. *Acheson*, 83 F. Supp.473 (1949).
[20] 60 Stat. 865.

that he does so renounce, absolutely and entirely.[21] In 1945, 344 United States citizens lost citizenship by this method, and in 1948 there were 552 such renunciations of citizenship.[22]

7. DESERTING ARMED FORCES IN WARTIME

Deserting the armed forces in time of war is ground for loss of citizenship.[23] However, since 1944, the act has provided that the desertion must be upheld by conviction by a court martial and dismissal or dishonorable discharge from the service as a result of such conviction. The sentence of a court martial need not include expatriation; it is automatic. This forfeiture is a complete expatriation, not merely a suspension of the rights of citizenship. If the desertion took place after the 1944 amendment, dismissal or dishonorable discharge from the service is also required.

However, the act also provides that restoration to active duty or reenlistment or induction in time of war, with permission of competent military or naval authority, has the immediate effect of restoring nationality or citizenship, together with all civil and political rights lost by the expatriation. There is some confusion as to when the expatriation actually takes place, that is, whether at the time of desertion or at the time of the conviction by court martial. There is also some question as to whether, in a nationality law, the civil and political rights which follow nationality should be taken away or restored. The subcommittee is recommending changes in this subsection in these two particulars.

Statistics are not available for all of the war years but in 1948, 135 persons lost citizenship, either by desertion or by departing from or remaining outside the country in time of war in order to avoid military service.[24]

8. COMMITTING TREASON

Since 1940, committing treason, or attempting by force to overthrow or bearing arms against the United States has been a cause for loss of citizenship.[25] Such act or acts must be followed by conviction by court martial or by a court of competent jurisdiction.

9. MAKING A FORMAL WRITTEN RENUNCIATION IN THE UNITED STATES IN TIME OF WAR

This provision for loss of citizenship was a wartime measure enacted on July 1, 1944.[26] In such cases, the Attorney General must approve the renunciation, in writing, as not being contrary to the interests of national defense.[27] The renunciation is effective only at the time the Attorney General enters an order approving the renunciation, and such order can be issued only after a formal hearing on the application.[28]

[21] Nationality Manual, sec. 1454.5.
[22] See table 9, appendix, XIV, p. 923.
[23] Nationality Act of 1940, sec. 401 (g).
[24] See table 9, appendix XIV, p. 923.
[25] Nationality Act of 1940, sec. 401 (h).
[26] 58 Stat. 677.
[27] Nationality Act t of 1940, as amedned, sec. 401 (i).
[28] Nationality Manual, sec. 1454.6.

10. DEPARTING FROM AND REMAINING OUTSIDE UNITED STATES TO AVOID MILITARY SERVICE

This provision was a wartime amendment incorporated in the Nationality Act by the act of September 27, 1944.[29] It was not retroactive, and accordingly, one who departed from or remained outside the jurisdiction of the United States before that date was not expatriated.[30] If he left before that time with the purpose of avoiding or evading military service and remained outside after that date, his expatriation will depend upon his intent in remaining outside, not his intent in departing originally.[31] It has been held that the departure must have been voluntary, but, in one case, where it was found that the person had departed in accordance with parental direction or wish, he was not considered to have gone involuntarily.[32]

As the subsection is presently worded, the person must have left or remained outside the country "for the purpose" of evading or avoiding service. This has resulted in persons alleging other purposes than that of evading or avoiding service, and, in instances where such other purpose also existed, expatriation did not result. The subcommittee feels that this subsection should be made stricter, and will so recommend.

The number of persons in 1948 who lost nationality by departing from or remaining outside the country in time of war in order to avoid military service is contained in the total of 135 which number also includes those who deserted from our armed forces in that year.[33]

11. PRESUMPTIONS

In addition to the causes for loss of citizenship by both naturalized and native born citizens listed, a native or naturalized citizen may be presumed to have lost his citizenship by residence abroad under certain conditions.[34] He may incur the presumption of loss of citizenship by residing for 6 months or longer in the foreign state of which he or either of his parents was a national by the laws of that foreign state or in a place under the control of that foreign state.[35] This presumption exists until overcome, in spite of his subsequent return to the United States. The presumption may be overcome, however, by the presentation of "satisfactory evidence" to a United States diplomatic, consular, or immigration officer under rules and regulations prescribed jointly by the Departments of State and Justice.[36] The presumptions referred to are that expatriation has occurred either through service in a foreign military force or through the accepting or performing of the duties of an office, post or employment under a foreign state. The provision is not retroactive in effect; the 6 months' residence cannot have begun prior to January 13, 1941, and the presumption cannot arise again until at least 6 months have elapsed since the person's eighteenth birthday, nor can it have arisen against

[29] 58 Stat. 746.
[30] Nationality Manual, sec. 1458.
[31] Id.
[32] Sharon, J. P., Loss of Citizenship by Draft-Dodgers, Immigration and Naturalization Monthly Review, Feb. 1948, pp. 97, 98.
[33] See chart, table 15, appendix XIV, p. 925.
[34] Nationality Act of 1940, sec. 404.
[35] Ibid., sec. 402.
[36] Id.

anyone before January 13, 1941.[37] This presumption of loss of nationality by residence abroad is practically the only place in which nationality may be lost by a native-born citizen without committing an overt act himself. Since, however, it is a presumption and not a determination, it may be stated that generally native-born citizens do not lose nationality involuntarily.

B. By Naturalized Citizens Only

1. RESIDENCE ABROAD

A naturalized citizen, on the other hand, may lose his citizenship as a result of prolonged residence abroad, unless he protects the same by conformance to certain prescribed conditions. For instance, he may lose his citizenship by residing for at least 2 years in the territory of a foreign state of which he was formerly a national, or in which the place of his birth is situated.[38] However, he must acquire through such residence the nationality of the foreign state by operation of its law. Loss of nationality under this provision involves no presumption and no judicial action. In such cases, the place of his general abode or his principal dwelling place is deemed to be the place of his residence.[39] Once residence has been established in the United States, renewed residence abroad begins a new period.

Other provisions of the act relating only to naturalized citizens are those which expatriate them for residing continuously for 3 years in the territory of a foreign state of which they were formerly nationals or in which the place of their birth is situated, or for residing continuously for 5 years in any other foreign state.[40] The act does not make clear whether residence in several foreign states during such periods would work expatriation. However, since the provision in each case reads "residing continuously," it would appear that the foreign residence must be continuous in one foreign state. This interpretation makes it possible for a person to leave a foreign country of residence for a short period of time, and thus prevent the continuity of such residence from expatriating him. In a recent case in the Circuit Court of Appeals for the District of Columbia, *Lapides* v. *Clark*,[41] decided May 23, 1949, the provision of subsection (c) of section 404, which embodies the 5-year continuous residence prohibition, has been held constitutional against an attack on the ground that it discriminated against a naturalized citizen.

These last two restrictions on residence abroad by naturalized citizens do not apply to citizens who come within the classes specified in section 406, as follows:

(1) A person who has lived in the United States not less than 25 years subsequent to his naturalization and who has attained the age of 65 when he begins his foreign residence.

(2) A person who is residing abroad temporarily solely or principally to represent a bona fide American educational, scientific, philanthropic, religious, commercial, financial, or business organization having its principal office or place of business in the United States, or an international agency of an official character in which the United

[37] Nationality Manual, sec. 1455.57.
[38] Nationality Act of 1940, sec. 404 (a).
[39] Ibid., sec. 104.
[40] Ibid., sec. 404.
[41] 176 F. 2d 619, certiorari denied, 70 Sup. Ct. 101 (1949).

States participates, and for which he receives a substantial compensation. Some difficulty has arisen under this restriction, especially with regard to priests, ministers, and missionaries who are naturalized citizens and who are sent overseas in pursuit of their calling. If the headquarters of the particular religious group which they represent is not in the United States, there is some doubt as to whether or not they can, under present law, retain their citizenship, if their work takes them out of the country beyond the 3- or 5-year restriction.

(3) A person who is residing abroad because of ill health. The present act makes provision only for the illness of the naturalized citizen, and does not take into consideration the case of such a citizen being detained because of other illness in the family.

(4) A person who is residing abroad for the purpose of pursuing studies of a specialized character or attending an institution of learning of a grade above that of a preparatory school. The law does not specify that attendance at such school or pursuing such study shall be full time. In such cases, however, the residence abroad must not exceed 5 years.

(5) A person who is the wife, husband, or child under 21 years of age, of a native-born spouse or parent who himself during his minority has resided 10 years in the United States is likewise exempt from the residence rules if the residence abroad is for the purpose of being with the spouse or parent.

(6) A person who was born in the United States or one of its outlying possessions, who originally had American nationality, and who, after having lost such nationality through marriage to an alien, reacquired it.

(7) A person who is a veteran of the Spanish-American War or of World War I, his wife, minor children, or dependent parents. It will be noted that veterans of World War II and their families are not at the present time included in this exception.

In addition to the above-excepted classes to the 3-year and 5-year continuous-residence restriction, there are two classes of persons excepted from all of the residence restrictions of section 404. Under the provisions of section 405, the following classes of naturalized persons do not lose citizenship by residing abroad as provided in section 404:

(1) Persons who reside abroad in the employment and under the orders of the Government of the United States.

(2) Persons who receive compensation from the Government of the United States and who are residing abroad on account of disability incurred in its service.

2. FRAUD OR ILLEGALITY IN OBTAINING NATURALIZATION

In addition to the automatic expatriation resulting from the acts and conditions enumerated and discussed above, section 338 of the Nationality Act provides for the judicial denaturalization of naturalized persons. Citizenship gained by naturalization may be revoked generally on either of two grounds: (a) Fraud, and (b) illegality relating to the procurement of the naturalization certificate. Prior to 1906, specific legislative power to denaturalize did not exist. The extent of general Federal power to denaturalize was, prior to that date, a matter of considerable legal controversy.[42] Section 15 of the Nationality Act

[42] Nationality Manual, sec. 1513.

of 1906 [43] provided specific power to denaturalize for either of the two causes stated above. This section was repeated without substantial change in the Nationality Act of 1940. Section 338 of this act provides:

> (a) It shall be the duty of the United States district attorneys for the respective districts, upon affidavits showing good cause therefor, to institute proceedings in any court specified in subsection (a) of section 301 in the judicial district in which the naturalized citizen may reside at the time of bringing suit, for the purpose of revoking and setting aside the order admitting such person to citizenship and canceling the certificate of naturalization on the ground of fraud or on the ground that such order or certificate of naturalization were illegally procured.

Section 338 (b) provides for notice to be given to the person against whom denaturalization proceedings are pending. A decree of naturalization may also be revoked by court order on conviction of the naturalized citizen of the crime of fraudulent procurement of naturalization.[44]

The effect of a decree of denaturalization, as distinguished from expatriation or forfeiture of citizenship, is to declare that the "naturalized" person never was in fact naturalized, because either by fraud or illegality the statutory prerequisites were not met. The naturalization laws make certain reservations, saving the naturalization of children who derive citizenship from a parent from the alienage which they would otherwise incur because of the fraudulent or illegal naturalization.[45]

Although the courts have not in every case distinguished between fraudulent and illegal naturalization, the statute lists these terms separately. The failure of the courts to distinguish between these terms or upon occasion to denaturalize for "fraud and illegality" has resulted in considerable confusion, not only of abstract legal theory but of concrete status of derivative citizens.

The provisions of the 1906 and 1940 acts relative to revocation of naturalization were made retroactive, but of course covered only the prerequisites which were embodied in the law at the time of naturalization.[46]

From 1943 to 1948, inclusive, a total of 304 naturalization certificates were revoked on the grounds of fraud, other than presumptive fraud, or illegality.[47] In addition to these cases, in 1944, 38 certificates were canceled due to mental reservations, 4 for technical illegality, and 13 on the grounds of immoral character. In the same years, 8 certificates have been canceled in connection with criminal proceedings under section 338, and a total of 853 have been revoked for presumptive fraud under section 338 (c).[48]

a. Fraud

Denaturalization proceedings are generally brought upon the ground of fraud, although "fraud and illegality" are often alleged concurrently. Most proceedings are brought under section 338 (c) which provides for a presumption of fraudulent naturalization because of lack of intent to reside in the United States permanently whenever the naturalized citizen takes up permanent residence abroad within 5

[43] 34 Stat. 596.
[44] Nationality Act of 1940, sec. 338 (e).
[45] Ibid., sec. 338 (d).
[46] Ibid., sec. 338 (g).
[47] See chart, table 8, appendix XIV, p. 922.
[48] Id.

years of naturalization. However, it is actual fraud which causes more legal difficulty in its interpretation, and it will be considered first.

(1) Actual fraud

While it is clear that section 338 (a) provides in terms for the revocation of naturalization because of fraud, the nature of the fraud involved and the effect of the finding of the naturalization courts as res judicata have been the source of considerable confusion and conflict in the law. The Supreme Court has yet to rule on the exact nature of the finding of the naturalization court.

In practice, the Immigration and Naturalization Service considers that "fraud" involves the misrepresentation or concealment before the naturalization officers or the court, of any material fact in the naturalization proceedings.[49] There has arisen considerable difference of opinion, however, whether the fraud need be what is in law known as "extrinsic" fraud, or whether intrinsic fraud alone will suffice. Extrinsic fraud is, in law, a fraud collateral to the issue being tried, such as the concealment of witnesses, and traditionally vitiates judgment. Intrinsic fraud, on the other hand, is fraud such as perjury of the parties or witnesses, or false swearing as to length of residence.[50]

The problem has been further complicated by conflicting decisions relating to statements made after naturalization as bearing upon facts in issue at the time of naturalization. Such a conflict concerning the Bund cases during the Second World War related to whether or not disloyal statements made after naturalization could be used as proof that the naturalization was obtained fraudulently because of concealment, or lack of attachment to the Constitution and favorable disposition to the United States.

Under section 334 (d), the United States has the right to appear as an adverse party—

> in any naturalization proceedings for the purpose of cross-examining petitioner and the witnesses produced in support of the petition concerning any matter touching or in any way affecting the petitioner's right to citizenship, and shall have the right to call witnesses, produce evidence, and be heard in opposition to the granting of any petition in naturalization proceedings.

The exercise of this right, or nonexercise of it, has raised questions as to the res judicata status of naturalization proceedings.

Most of the denaturalization proceedings under section 338 (a), or section 15, the comparable provision of the 1906 law, have been brought during or after World Wars I and II. During World War II, the Department of Justice embarked upon a full-scale denaturalization program directed principally against naturalized Germans who were affiliated with the German-American Bund. While most of those proceedings were brought on the ground of fraud, some of them were based on the ground that naturalization had been illegally procured, and some that the oath had been taken with a mental reservation. Some of the suits were frankly based solely upon utterances made by the defendant after his naturalization, or Bund affiliation acquired after his naturalization. In some cases denaturalization was attempted as late as 40 years after the defendant had been naturalized.[51] At first the courts were disposed to favor the Government; few district courts refused to denaturalize on the basis of fraud when Bund member-

[49] Nationality Manual, sec. 1543.1.
[50] *United States* v. *Kusche*, 56 F. Supp. 201 (1944).
[51] *United States* v. *Orth*, 51 F. Supp. 682 (1943), reversed 142 F. 2d 969 (1944).

ship and disloyal statements were shown, either before or after naturalization. The courts regarded disloyal acts and statements committed and made after naturalization as a manifestation of "latent" fraud. They considered that, if loyalty was unable to stand the test of an armed conflict against the naturalized person's country of origin, it was absent from the beginning. In most World War II cases in which the naturalized person's naturalization was revoked for fraud, the ground thereof was lack of attachment to the principles of the Constitution of the United States. Most courts, with at least one outstanding exception,[52] did not consider res judicata a defense to the action based upon fraud.

In *Bergmann* v. *United States* [53] the citizen was held to have obtained naturalization by fraud, since he was not in fact attached to the principles of the Constitution of the United States, and did not in fact forswear allegiance to Germany—tantamount to the "fraud in the oath" referred to in the Knauer case discussed below. The facts in the Bergmann case were these. The citizen was naturalized in 1937. Thereafter, he made pro-Nazi statements. He had originally refused to swear to bear arms against Germany, but upon being informed that such refusal would bar him from citizenship, he deleted the reservation. He referred to himself as a Nazi thereafter. His certificate was canceled by the lower court on the double grounds that he was not attached to the Constitution of the United States nor well disposed to the good order and happiness of the United States, and that he swore falsely when he took the oath of renunciation and allegiance. The case of *United States* v. *Schuchhardt* [54] was a similar case in which a like result was reached where the naturalized German, a citizen since 1930, had, after his naturalization, joined the Bund and acted in an offensively pro-Nazi manner.

In *United States* v. *Schlotfeldt*,[55] the burden of the Government to prove its allegations of "lack of attachment" was held sustained even under the ruling of the Schneiderman case, discussed below. Schlotfeldt had been naturalized in 1929. His subsequent acts showed lack of loyalty toward the United States and allegiance to Germany. His citizenship was revoked on the ground that the oath had been taken with a mental reservation.

These cases, while based upon the general allegation of "fraud," can be explained largely upon the ground that the oath itself was taken with a mental reservation, that is, fraudulently. The distinction between fraud in general and fraud concerning the taking of the oath itself—the final step, appears of great importance in regard to the Knauer case to be discussed.

However, the efficacy of the above-discussed decisions was greatly curtailed by two Supreme Court cases—the Schneiderman case,[56] to be discussed in connection with "illegality," and *Baumgartner* v. *United States*.[57]

Baumgartner, German by birth, was naturalized in 1932. In 1942 denaturalization proceedings under section 338 were brought. The allegation was that Baumgartner had falsely taken the oath of allegiance. Prior to Hitler's ascendancy, Baumgartner had spoken favor-

[52] *United States* v. *Kusche*, 56 F. Supp. 201 (1944).
[53] 47 F. Supp. 765 (1942), reversed on facts, 144 F. 2d 34 (1944).
[54] 49 F. Supp. 567 (1943).
[55] 136 F. 2d 935 (1943).
[56] *United States* v. *Schneiderman*, 320 U. S. 118 (1943).
[57] 322 U. S. 665 (1944).

ably of him and of German ways in general. He repeated these statements after 1933, making public speeches praising Hitler. In 1937–38 he was accused of propagandizing Hitler in a Sunday-school class which he taught. His children went to Germany, where his daughter joined the Hitler Youth Group. He was alleged to have rejoiced at the fall of Dunkerque. His diary showed anti-Semitism, and attendance at Bund meetings where the Nazi salute was given. The court held that the Government had not carried the burden of proving disloyalty at the time of naturalization by the "clear-convincing unequivocal evidence" test laid down by the court in the Schneiderman case.

But what some have called a slight retreat from the extreme position of the Baumgartner case came in the Supreme Court case *United States* v. *Knauer*[58] where the Court upheld the revocation of the naturalization of one Paul Knauer. It was there held that the Government had carried the burden of clear, unequivocal, convincing proof demanded by the Schneiderman case, by showing, as required by the Baumgartner case, that the defendant was a Nazi at the time of his naturalization and that he took a false oath of allegiance. The important distinction was made between fraud in the taking of the oath and fraud as to precedent requirements.

One of the few lower court cases prior to the Baumgartner case which refused to denaturalize in a Bund case was *U. S.* v. *Kusche.*[59] This case is particularly valuable for the tables there set out which show exhaustively the grounds and results of all the denaturalization cases of note to date. The Court, in setting out these cases, shows the complete confusion existing in the courts concerning the two grounds of denaturalization, fraud and illegality.

The Kusche decision drew a distinction between extrinsic and intrinsic fraud in obtaining naturalization. Only the former, according to the Court's holding, could form a base in an action to revoke naturalization.

It would seem, in the light of the Knauer case, that where there is fraud in the oath—a situation clearly existing at least where the person harbors loyalty to the country of his birth inconsistent therewith, or sentiments irreconcilable with the necessary willingness to support and defend the Constitution—the defense of res judicata is not available, even though the matter of lack of allegiance and attachment has actually been put in issue.

(a) Willingness to bear arms

Prior to 1946 and the decision in the Girouard case,[60] an oath taken with a mental reservation against bearing arms was ground for revocation proceedings because of fraud. The Girouard case has been discussed in connection with discussion of the oath of allegiance required of an alien at his formal naturalization.

(b) Residence and intent to reside in the United States

The element of fraud becomes important in proceedings to revoke naturalization decrees when it is alleged that false allegations have been made as to lawful admission when required, length of residence, and absence from the United States.

[58] 328 U. S. 654 (1946).
[59] 56 F. Supp. 201 (1944)
[60] Cited supra.

In *United States* v. *Marino* [61] the defendent entered the United States for the first time in 1920. He represented falsely that he was returning to the United States where he had lived from 1913 to 1915. The Court held that entry was based upon false statements and the naturalization was canceled. The Government was held not to be precluded by failure to challenge entry at the time of naturalization.

In *United States* v. *Perez* [62] a Spanish immigrant who filed a declaration of intention under his brother's name, taking the oath of allegiance and procuring naturalization under that name, was denaturalized. This decision could be reconciled with the holding in the Knauer case on the ground that by falsely swearing to his actual name the defendant took a fraudulent oath. This point was recognized in *United States* v. *Shapiro* [63] where it was held that no oath was taken by the person whom the United States thought it was naturalizing, but by another who illegally entered under a passport issued to another.

In *United States* v. *Goldstein* [64] the defendant entered under a false name and misstated his age. The naturalization decree was revoked for fraudulent and illegal procurement of the certificate of naturalization. The requisite residence must be legal residence.[65]

The validity of the retroactive provision of section 15 of the 1906 act (sec. 338 (g) of 1940 Act) was upheld against the contention that it constituted an ex post facto law in *United States* v. *Ellis*.[66] The certificate was revoked for presumptive fraud. The court said that naturalization could be revoked for fraud even before the act of 1906.

In *United States* v. *Martin* [67] naturalization was revoked for fraud and illegality where there was no intent to reside permanently.

(c) *Good moral character*

Many proceedings for revocation of naturalization on the ground of fraud have been brought in cases where aliens had been naturalized, notwithstanding false statements regarding moral character.

In *United States* v. *Murray* [68] the naturalization of the defendant was revoked because of intrinsic fraud in concealing embezzlement, procurement of divorce by fraud, and swindling. It has also been held that acts prior to the requisite 5-year period during which the petitioner's good moral character must be sworn to are relevant as bearing upon conduct during the 5-year period.[69]

In another case [70] the defendant was denaturalized for fraud for declaring himself to be a single man when he had an estranged wife.

Denaturalization has also been decreed where the defendant had given a false address with intent to conceal absences from the United States.[71]

(2) *Presumptive fraud*

Under section 338 (c) of the act, one who establishes a permanent residence in a foreign country within 5 years after naturalization incurs the presumption that he lacked the requisite intention to become a

[61] 27 F. Supp. 155 (1939).
[62] 29 F. Supp. 888 (1939).
[63] 43 F. Supp. 927 (1942).
[64] 30 F. Supp. 771 (1939).
[65] *Zartarian* v. *Billings*, 204 U. S. 170 (1907).
[66] 185 F. 546 (1911).
[67] 10 F. 2d 585 (1925).
[68] 48 F. Supp. 920 (1943).
[69] *United States* v. *Mancini*, 29 F. Supp. 44 (1939); *United States* v. *Etheridge*, 41 F. 2d 762 (1930).
[70] *United States* v. *Zgrebec*, 38 F. Supp. 127 (1941).
[71] *United States* v. *Gogtia*, 21 F. Supp. 894 (1938).

permanent citizen of the United States at the time of filing the petition for naturalization.

The constitutionality of this provision as it stood in the 1906 act was upheld in *Luria* v. *United States* [72] when challenged on the ground of being a bill of attainder. The Court held that the statute created a rule of evidence, not one of substantive law—a mere rebuttable presumption.

b. Illegality

The tables in the Kusche case show the confusion existing in the courts as to the real basis for denaturalization. A difference of opinion also exists concerning the type of illegality which will constitute grounds for revocation, and the degree to which a finding of the naturalization court is res judicata.

(1) Racial ineligibility

Numerous naturalization decrees have been canceled on the ground that the naturalized person was racially ineligible to citizenship. Several cases have involved the question whether the naturalized person was or was not a "white person" within the meaning of the statute. Many of these cases have involved the issue of res judicata; all but one where the point was considered holding that even if the racial eligibility of the petitioner was put in issue before the naturalization court the fact of eligibility may be determined in an independent proceeding under section 338 (a).

In *United States* v. *Thind*,[73] a Hindu's naturalization was canceled on the ground that a Hindu is not a "white person." The ability to cancel was assumed and the ground was not stated. In *Mozumdar* v. *United States*,[74] a Hindu's naturalization was canceled despite the fact that objection to his racial eligibility was made by the examiners before admission to citizenship. In *United States* v. *Gokhale*,[75] the same result was reached where no issue of fact was raised before the naturalization court. In *United States* v. *Khan*,[76] the defense of res judicata was raised, and the court held that res judicata was not available, citing the Ginsberg and Ness cases. In *United States* v. *Ali*,[77] an Arab or Hindu's certificate of naturalization was canceled on the ground that the naturalization proceeding was not a judicial adversary proceeding, and an order admitting to citizenship not a judgment in essence, but a grant. This case seems contra to the decision in the Tutun case [78] that a naturalization order is a judgment.

The case of *United States* v. *Ganesh* [79] is squarely contra. It was there held that where the United States appeared and contested a Hindu's naturalization, res judicata applied and the point could not be relitigated in a separate proceeding to have the naturalization decree set aside on the ground that it was illegally procured. The Court said that a naturalization proceeding was a case within the meaning of the Constitution. The distinction was made that in the Thind case the equitable action was in the nature of appeal. No point was made as to procedure or as to res judicata.

[72] 231 U. S. 9 (1913).
[73] 261 U. S. 204 (1923).
[74] 299 F. 240 (1924).
[75] 26 F. 2d 360 (1928).
[76] 1 F. 2d 1006 (1924).
[77] 7 F. 2d 728 (1925).
[78] *Tutun* v. *United States*, 270 U. S. 568 (1926).
[79] 15 F. 2d 285 (1926).

(2) Residence

Even in the absence of fraud, denaturalization has been ordered where the necessary residence requirements had not in fact been met. In *United States* v. *Ginsberg*,[80] a case frequently cited to show that res judicata is unavailable as a defense in actions for denaturalization on the ground that naturalization was illegally procured, the Court said that an alien has not the slightest right to naturalization unless all the statutory requirements are complied with; and every certificate of citizenship must be treated as granted upon condition that the Government may challenge it and demand its cancellation unless issued in accordance with such requirements.

Residence insufficient under the statute was cause for revocation in *United States* v. *Beda*.[81]

However, there is a line of cases holding that, at least as to minor matters where the Government has intervened, the defense of res judicata is available and bars action under section 338 (a). In *United States* v. *Parisi*,[82] naturalization was revoked where the naturalized citizen had illegally entered the country on a return visa where the first entry was illegal. While not necessary to the decision, the Court stated that where the Government had intervened, the State court's conclusions as to findings of fact, at least as to minor matters, are conclusive. The Court cited other cases to support its view.[83]

It can thus be seen that there is a clear conflict of authority concerning whether the defense of res judicata can bar an action brought to revoke naturalization on the ground of illegal procurement, and, if so, to what kinds of illegality the defense can reach.

(3) Good moral character

While most of the denaturalization suits brought on the ground that the naturalized person was not of good moral character are based on allegations of fraud, a few are brought which allege illegal procurement. Some are brought for both causes without distinction.

In *United States* v. *Olsen* [84] naturalization was revoked because witnesses to moral character recommended the petitioner with qualifications. The res judicata decisions were reviewed. The Government had not appeared in the naturalization court. But in *United States* v. *Wexler*,[85] a representative of the Department of Labor had presented objections to the court on the ground of adultery, but he was overruled. The district court revoked the naturalization regardless of the appearance of the Government.

(4) Attachment and favorable disposition to the United States

In addition to the revocation proceedings brought because of fraud in the taking of the oath or in the concealment of lack of allegiance or attachment, several denaturalization suits have been brought for illegal procurement when the naturalized person was not in fact attached

[80] 243 U. S. 472 (1917).
[81] 118 F. 2d 458 (1941).
[82] 24 F. Supp. 414 (1938).
[83] *United States* v. *Bischof*, 48 F. 2d 538 (1931) (holding that finding of good moral character is res judicata even though it is later discovered that petitioner had been guilty of adultery during 5-year period); *United States* v. *Hirschhorn*, 21 F. 2d 758 (1927) (holding that a determination of place of residence by the naturalization court could not be attacked even though residence in fact was in another county); *United States* v. *Srednik*, 19 F. 2d 71 (1927) (holding that a determination that residence had been continuous could not be attacked later by showing absence during period relied on); *United States* v. *Richmond*, 17 F. 2d 28 (1927) (holding that irregularity in naturalization proceedings would not be used as grounds for revoking of citizenship in a later attack.)
[84] 272 F. 706 (1921).
[85] 8 F. 2d 880 (1925).

to the principles of the Constitution, or well disposed toward the good order and happiness of the United States. There are here raised several difficult problems: whether attachment and good disposition need exist as a matter of fact, as would seem to be required by section 307 (a), whereby persons not so attached and disposed are barred from naturalization, or whether it is enough and conclusive that the petitioner bring forth two witnesses who will testify to his behavior as a person attached. A further problem is whether membership in an organization which advocates the overthrow of the Government by force or the destruction of private property is enough to lay the foundation for a d naturalization proceeding, or whether it must be shown that the person himself believed in these theories. The first of these problems, at least, presents itself also in cases where illegality is alleged in connection with lack of good moral character.

(a) The Schneiderman case

The leading recent case on denaturalization on the ground of illegal procurement because of lack of attachment to the principles of the Constitution is the case of *United States* v. *Schneiderman.*[86]

Schneiderman was an admitted Communist, a leader of a Communist Youth Group in California, who had been naturalized in 1927. In 1941, denaturalization proceedings were brought against him on the ground that his membership in the Communist Party was evidence of his lack of attachment to the principles of the Constitution. The Supreme Court refused to denaturalize Schneiderman on the ground that the Government had not proved by "clear, convincing and unequivocal evidence" that he was himself an advocate of the forcible overthrow of the Government. His affiliation with the Communist Party was not enough. The Court discussed at great length but did not decide whether or not the Communist Party was in fact an advocate of the overthrow of the Government by force. As has been pointed out by legal writers,[87] the Court seemed further to unsettle the question of the finality of a naturalization decree. The Court reopened the question whether the statutory prerequisite is attachment in fact or merely a finding by the naturalization court that the subject had behaved as a person attached to the principles of the Constitution. The Court therefore cast further doubt upon whether a naturalization decree is res judicata on the question of attachment. The Court expressed doubt whether a naturalization decree can be set aside in any case except on grounds such as lack of jurisdiction or the "kind of fraud which traditionally vitiates judgments." The question arises, what does the Court mean by "lack of jurisdiction" and "fraud which traditionally vitiates judgments"? It has been argued that there is no jurisdiction to naturalize when the person has not in fact complied with all the prerequisites and in fact therefore is not eligible to naturalization. In the Ginsberg case,[88] the Court had held that a mistake of a naturalization judge cannot supply missing qualifications prescribed for naturalization or render them nonessential. In *United States* v. *Ness*,[89] a procedural requirement had been omitted, and the issue had been raised in the naturalization court and passed on by the judge in favor of the petitioner. The

[86] 320 U. S. 118 (1943).
[87] 29 *Minn. L. Rev.* 405 (1945).
[88] Cited supra.
[89] 245 U. S. 319 (1917).

Supreme Court held that sections 15 and 11 of the act of 1906 (secs. 338 (a) and 334 of the Nationality Act of 1940) were cumulative; that is, section 15 was designed to offer the Government a remedy in addition to mere opportunity to protest naturalization at the hearing. The Court said, however, that the protection of section 15 was "narrower" than that of section 11.

The Ness case held that even though the United States appeared under section 11 of the act of 1906, and opposed the granting of a petition, the judgment was not res judicata as to preliminary procedural requirements, but that decisions of naturalization courts on "competency or weight of evidence or the credibility of witnesses" were, though clearly erroneous, res judicata even as against the United States if it entered an appearance under section 11.

United States v. *Tutun* [90] held that a naturalization decree is a judgment, and that the scope of a suit to cancel naturalization is narrower than a review by direct appeal from an order granting naturalization.

The Tutun case was somewhat clarified by *Maney* v. *United States* [91] where it was pointed out that a naturalization decree is a judgment differing from other judgments in that it does not determine an existing status but grants one which did not previously exist. The special nature of the judgment was held to be sufficient reason to reject the defense of res judicata against a proceeding for cancellation of naturalization fraudulently or illegally acquired. The absence of a qualifying prerequisite was held to preclude its valid award. Otherwise, reasoned the Court, the naturalization court would be permitted to enlarge its own jurisdiction against the sovereign that granted and defined its jurisdiction by making findings that qualification for naturalization existed, which Congress had made prerequisite, when in fact they were lacking.

In the Schneiderman case,[92] the Supreme Court said:

> On its face the statutory criterion is not attachment to the Constitution, but behavior for a period of 5 years as a man attached to its principles and well disposed to the good order and happiness of the United States. Since the normal connotation of behavior is conduct, there is something to be said for the proposition that the 1906 act created a purely objective qualification, limiting inquiry to an applicant's previous conduct.

In the concurring opinion in the same case, the statement was made that—

> Where all the express statutory conditions precedent are satisfied, we should adhere to the view that the judgment of naturalization is final and conclusive except for fraud.

It was pointed out several times in the Kusche case [93] that none of the cases before the Supreme Court had concerned attachment to the Constitution or good moral character, but had concerned certain other "jurisdictional prerequisites." It was further pointed out that the facts of attachment and good moral character were facts established by behavior as testified to by two witnesses; that, unlike the jurisdictional prerequisite established by the word of the petitioner alone, such as not being an anarchist, the fact of attachment is in issue and a determination of it is res judicata.

[90] 270 U. S. 568 (1926).
[91] 278 U. S. 17 (1928).
[92] At page 133. Citation appears supra.
[93] Cited supra.

Even if the judgment of the fact of attachment is res judicata, the Government may, by producing clear, convincing, and unequivocal evidence, succeed in an action to set the judgment aside on the ground that there was fraud in the oath.[94] Whether, therefore, lack of attachment to the principles of the Constitution is a ground for revocation for illegal procurement against a defense of res judicata becomes unimportant when the same evidence may be educed under a plea that the oath of allegiance was falsely taken. The doubt cast by the Schneiderman case, however, still applies to cases where the action is brought for illegal procurement because of lack of the requisite moral character.

Some lower courts have denaturalized the defendant where he was charged with lack of attachment to the principles of the Constitution because of violation of the eighteenth amendment.[95] In one such case, the violation had been revealed to the court, but denaturalization was decreed nevertheless.[96]

(5) Other substantive grounds for revocation for illegal procurement

(a) Unsound mind

A person of unsound mind, who cannot understand the nature of the naturalization proceedings, is of course not eligible to be naturalized and denaturalization proceedings may be brought against him because of illegal procurement.[97]

(b) Person who surrendered declaration of intention during World War I

If a neutral alien surrendered his declaration prior to November 12, 1918, in order to avoid military service, his subsequent naturalization was illegal and if naturalized prior to January 13, 1941, revocation proceedings may be brought therefor.[98]

(c) Expeditious naturalization of veteran who was ineligible under the statute

Expeditious naturalization of a discharged veteran of the Armed Forces of the United States under a special statute requiring honorable service for one enlistment period is illegal and subject to revocation if he had been honorably discharged from the service for physical disability prior to the completion of his enlistment period. Likewise, an alien discharged from the service because of alienage was held to be illegally naturalized under a statute specifically exempting aliens discharged for that reason, and the naturalization was held revocable.[99]

(d) Procedural illegality

In addition to the substantive grounds listed above, revocation may be ordered where the petitioner failed to comply with procedural requirements. Thus, failure to file a declaration of intention was cause for revocation.[1] However, the subsequent revocation on the ground of actual fraud of the citizenship of the spouse first naturalized does not warrant the institution of proceedings against the other

[94] *United States* v. *Knauer*, 328 U. S. 654 (1946).
[95] *Turlej* v. *United States*, 31 F. 2d 696 (1929).
[96] Id.
[97] Nationality Manual, sec. 1545.26.
[98] Id.
[99] Id.
[1] *United States* v. *Nopoulos*, 225 F. 656 (1915).

spouse for illegality of procurement, unless the latter participated in the fraud.[2] But where the spouse obtaining naturalization under the exemptions was bigamously married to the spouse first naturalized, the naturalization may be revoked on the ground of illegal procurement. Annulment on the ground of fraud has been held insufficient for revocation proceedings, even though the marriage was held initially void. Revocation has been ordered when the petition was not filed at the proper time after the declaration of intention, but not where premature filing of the petition resulted from the fault of the Service.

(*e*) *Failure to file a certificate of arrival*

Where the certificate of arrival is required to be filed with the petition at the time of filing and is not so filed, naturalization may be revoked. [3]

(*f*) *Other irregularities upon which revocation has been granted* [4]

(1) Oath taken in judge's chambers instead of in open court. [5] The third circuit, however, declined to denaturalize in a case substantially similar, discussed above. [6]

(2) Lack of proper witnesses.

(3) Naturalization within prescribed time before an election.

(4) Lack of preliminary examination by a naturalization examiner.

(5) Government was denied right to produce witnesses and introduce witnesses in opposition to petition.

(6) Dishonorable discharge following naturalization based on military service during World War II is an additional ground for revocation.

c. Effect of revocation

The revocation of naturalization raises questions concerning the status of persons who derived citizenship from the naturalized person or were naturalized under expeditious procedure because of the naturalization of another person. Four types of persons may be affected by a naturalization decree: (*a*) Children who derived naturalization from a parent; (*b*) children born abroad of naturalized parents; (*c*) wives who married American citizens before September 22, 1922, thereby deriving American citizenship; (*d*) wives who were expeditiously naturalized because of the precedent naturalization of a spouse.

It is now the law that persons deriving citizenship from one subsequently denaturalized will not themselves be denaturalized unless the ground of denaturalization was actual fraud.[7] It is therefore a matter of grave importance to the persons concerned whether denaturalization was ordered because of fraud or because of illegality. The results in some cases may be entirely different although the facts are the same, depending upon which of the two grounds the naturalization is revoked.

[2] Nationality Manual, sec. 1545.31.
[3] Nationality Manual, sec. 1545.33.
[4] Ibid., sec. 1545.35 and 1546.
[5] *United States* v. *Ginsberg*, 243 U. S. 472 (1917).
[6] *United States* v. *Richmond*, cited supra.
[7] Nationality Act of 1940, sec. 338 (d).

C. Conclusions and Recommendations

The subcommittee recognizes the confusion relating to and difficulties in determination of loss of citizenship, both by native-born and by naturalized citizens, whether the loss is the result of an overt act of the person after naturalization or by reason of a judicial revocation on the ground that the naturalization was obtained by fraud or illegality. There is confusion and difficulty of administration, especially in determination of "continuous residence" abroad, in the cases which come under the provisions of section 404 of the Nationality Act, as well as in the interpretation and scope of the exceptions to section 404, set out in sections 405 and 406. There is also difficulty of determining derivative citizenship where the revocation of the supporting citizenship was based on fraud, since only actual fraud will result in loss of derivative citizenship.

The subcommittee is making several recommendations for change in the present law relating to loss of nationality, which are embodied in the proposed bill and which are hereafter enumerated:

1. The subcommittee recommends that the provisions of existing law relating to loss of citizenship both by citizens at birth and by naturalized citizens be amended in the following particulars:

(*a*) That persons who have lost American nationality prior to January 1, 1948, through the naturalization in a foreign state of a parent or parents may enter the United States as a nonquota immigrant within 1 year from the effective date of the proposed act, for the purpose of regaining United States nationality.

(*b*) That the provisions with relation to loss of nationality through taking an oath to hold an office, post, or employment under a foreign government be amended to provide that if a person takes such a post or employment he shall be conclusively presumed to have taken such an oath.

(*c*) That a person serving in the armed forces of a foreign state shall lose his American nationality by such service whether or not he has or acquires the nationality of the foreign state by such service, unless he has prior written consent of the Secretary of State and the Secretary of Defense.

(*d*) That the provisions relating to expatriation by deserting the armed forces in time of war be amended to provide that the expatriation becomes effective as of the date of the conviction by court martial; and that the provisions of existing law relating to civil and political rights be omitted from the proposed bill, because they do not properly belong in a nationality statute.

(*e*) That the provision relating to departure from the United States to avoid training and service during wartime be amended to provide that failure to comply with any provision of any compulsory service laws shall raise the presumption that the departure or absence from the United States was for the purpose of evading or avoiding training and service in the armed forces.

2. The subcommittee recommends that the provisions of existing law relating to loss of citizenship by naturalized citizens only be amended in the following particulars:

(*a*) Residence:

(1) As section 404 of the Nationality Act is now worded, a naturalized citizen loses his American citizenship if he resides continuously

for 3 years in the territory of a foreign state of which he was formerly a national or in which the place of his birth is situated, or if he resides continuously for 5 years in any other foreign state. The difficulties of applying the "continuous residence" restriction in the present law against such nationals who have taken up foreign residence arise from the fact that such nationals break the continuity of their foreign residence by short trips to another foreign country, or by a short visit to the United States. The subcommittee therefore recommends that residence in such cases shall be considered continuous where there is a continuity of stay, but not necessarily an uninterrupted physical presence, in a foreign state or states or outside the United States.

(2) Another provision relating to residence abroad is that which provides for loss of nationality by a naturalized citizen who resides for at least 2 years in the territory of a foreign state of which he was formerly a national or in which the place of his birth is situated, if he acquires through such residence the nationality of such foreign state by operation of the law of such foreign state. This provision is in addition to the two provisions discussed in the preceding paragraph. The subcommittee considers that this provision for loss of nationality abroad by 2 years' residence and acquisition of foreign nationality thereby should be repealed and so recommends. This recommendation is made on the grounds that (1) the provision is one which depends to a large extent on the operation of foreign law, which the subcommittee has attempted to avoid wherever possible, in proposals for amendment or revision; and (2) the provision is relatively unnecessary, in view of the positive provisions in the proposed bill relating to election of citizenship by one having dual nationality, discussed below.

(3) Exceptions to loss of nationality by residence abroad: The subcommittee recommends several liberalizing provisions to the enumeration of classes and persons exempt from the foreign residence provisions:

(i) that the requirement of present law that persons residing abroad to represent a bona fide American religious organization "having its principal office or place of business in the United States" be changed to "having an office and representative in the United States." This change is recommended to provide for several religious groups whose principal office is in some other country but who, nevertheless, are recognized American religious organizations;

(ii) that the exception granted to a person living abroad because of his own ill health be extended (*a*) to include the ill health of a parent, spouse, or child who cannot be brought to the United States, and for whom the person claiming the exemption is alone responsible, and (*b*) to include the death of such parent, spouse, or child.

(4) The subcommittee further recommends: (i) a restrictive provision to the exception which permits a person residing abroad for study or schooling to be exempt from the residence restrictions. The present law exempts persons who are pursuing studies of a "specialized character or attending an institution of learning of a grade above that of a preparatory school." The subcommittee recommends that it be required that such study be full-time.

(ii) enactment of a provision placing in the excepted categories a person "who has received by act of Congress or by treaty United

States nationality solely by reason of former nationality and birth or residence in an area outside the continental United States." This proposal is designed to preserve the citizenship granted to persons upon annexation by the United States, and who are therefore not citizens at birth.

(5) In addition to the above proposals, the subcommittee recommends that the present exemption granted to veterans of the Spanish-American War and World War I, regarding residence abroad, be extended to veterans of World War II, but that such exemption be restricted to those living in a foreign country other than the country of former nationality or of birth. The subcommittee also recommends that the inclusive dates of these wars be defined in the proposed bill.

(6) The subcommittee further recommends the inclusion of three new classes of persons to be exempt from the residence provisions concerning residence in a foreign country other than in that of former nationality or of origin:

(i) A person who establishes to the satisfaction of the Secretary of State that he is residing temporarily outside of the United States for the purpose of (*a*) carrying on a commercial enterprise which in the opinion of the Secretary of State will materially benefit American trade or commerce; or (*b*) carrying on scientific research on behalf of an accredited institution engaged in research; or (*c*) engaging in such professional work as has been designated by the Secretary of State to be beneficial to be best interests of the United States;

(ii) A person 60 years of age or over who is the widow or widower of a United States citizen and who has resided outside the United States for not less than 10 years in marital union with a spouse who has been residing outside the United States under certain specified exemptions;

(iii) A person 60 years of age or over who has been residing outside the United States for at least 10 years in an occupation designated as excepting him from the foreign-residence provisions and who is bona fide in retirement from such occupation.

3. Dual nationality at birth: The subcommittee feels that it is highly desirable that a person who acquired at birth the nationality of the United States and of a foreign state, and who is residing abroad in the foreign state of which he is also a national, should succeed in divesting himself of such foreign nationality in order to preserve his United States citizenship. The subcommittee therefore recommends a new provision in the proposed bill providing that a person having dual nationality at birth shall lose his United States nationality by residing continuously for 3 years in the foreign state of which he is also a national by birth after he attains the age of 22 years, unless he shall, prior to the expiration of such 3-year foreign residence, take an oath of allegiance to the United States and abjure any foreign allegiance before a United States diplomatic or consular officer, in a manner prescribed by the Secretary of State.

Unless a person has succeeded in divesting himself of foreign nationality, he must be residing outside of the United States solely for one of the reasons set out in the proposed bill in section 352, in paragraphs (1), (2), (4), (5), (6), (7), or (8), or for one of the reasons set forth in paragraphs (1) or (2) of section 353 of the proposed bill in order to keep his United States nationality. The subcommittee further recommends that such a dual national whether or not he has

divested himself of foreign nationality shall not lose his United States citizenship if his foreign residence begins after he becomes 65 years of age, provided he has resided in the United States for 25 years after becoming 18 years of age.

4. Judicial revocation of citizenship: Because of the confusion existing in the court decisions as to what constitutes fraud, whether extrinsic or intrinsic, the subcommittee recommends that the provisions of section 338 that revocation of citizenship may be made "on the ground of fraud or on the ground that such order and certificate of naturalization were illegally procured" be changed to provide that the revocation be made "on the ground that such order and certificate of naturalization were procured by concealment of a material fact or by willful misrepresentation". The subcommittee considers that this language will clear up the conflicts that have arisen in cases involving revocation because of fraud or illegality, and that proof of "concealment of a material fact or * * * willful misrepresentation" is more easily proved than is an allegation of fraud or illegality.

The subcommittee has previously, in chapter V of this part, made recommendation concerning revocation of the nationality of a naturalized citizen who within 5 years after naturalization joins or associates himself with any organization listed by the Attorney General as being in the proscribed class. That recommendation is based on the history of the cases on revocation of naturalization, and on the testimony and findings of the subcommittee relating to the work of subversive groups in this country.

CHAPTER VIII

HOW CITIZENSHIP MAY BE REGAINED

United States citizenship which is lost, either voluntarily or involuntarily, may, in certain cases, be regained by following the procedures set out in the Nationality Act. Included in those classes of persons who may regain lost American citizenship under special provisions of the Nationality Act are:

(1) Women who have married aliens; [1]

(2) Children who have lost their nationality because of the loss of nationality of their parents; [2]

(3) Children who have lost their nationality because of the denaturalization of their parents for reasons other than actual or presumptive fraud.[3]

(4) Persons who have served in the armed forces of certain foreign states; [4]

(5) Persons who have deserted our armed forces in time of war and who have been restored to active duty or who have subsequently reenlisted or who have subsequently been inducted, in time of war.[5]

A. Women Married to Aliens

Prior to September 22, 1922, an American woman who married an alien automatically lost her American citizenship.[6] After that date and prior to March 3, 1931, an American woman lost her citizenship by marriage to an alien who was ineligible to citizenship.[7] These women may, if no other nationality was acquired by an affirmative act, other than marriage, be naturalized upon compliance with all requirements of the naturalization laws except: [8]

(1) No declaration of intention, certificate of arrival, and period of residence are required;

(2) The petition need not state that it is the petitioner's intention to reside permanently in the United States;

(3) The petition may be filed in any court having naturalization jurisdiction, regardless of the residence of the petitioner;

(4) The petition may be heard at any time if the examiner's certificate of examination is attached.

The law also provides that such a person shall, when naturalized, have the same citizenship status as that which existed immediately prior to its loss.[9] Since this provision relates both to native-born and naturalized citizens it would seem that the citizenship status upon naturalization would be that of a natural born citizen in the case of a

[1] Nationality Act of 1940, sec. 317.
[2] Ibid., sec. 318 (a).
[3] Ibid., sec. 319 (a).
[4] Ibid., secs. 317 (c), 323.
[5] Ibid., sec. 401 (g).
[6] Sec. 3, act of March 2, 1907 (34 Stat. 1228).
[7] Nationality Manual, sec. 1453.52.
[8] Nationality Act of 1940, sec. 317 (a).
[9] Id.

person who was born in the United States, and would be that of a naturalized citizen in the case of a person who had originally received American nationality by naturalization. However, there has been difficulty of interpretation in this provision, and the subcommittee is therefore recommending a rewording of the statute to clear up that ambiguity.

In addition to the provisions set out above, a woman who was a citizen of the United States at birth and who lost or is believed to have lost her United States citizenship solely by reason of her marriage to an alien prior to September 22, 1922, may, if the marriage has terminated, and if no other nationality was acquired by affirmative act other than by the marriage, take an oath of allegiance either before a diplomatic or consular officer of the United States abroad or before a judge or clerk of a naturalization court in the United States.[10] In such cases the woman is deemed to be a citizen of the United States to the same extent as though her marriage had taken place on or after September 22, 1922.[11] Here again the subcommittee finds some ambiguity in determination of the citizenship status of such persons and is therefore recommending a change in the wording of this provision.

B. Children Who Have Lost Their Nationality Because of the Loss of Nationality of Their Parents

A former citizen expatriated through the expatriation of a parent or parents, and who has not acquired the nationality of another country by any affirmative act other than his parent or parents' expatriation, may be naturalized upon filing a petition for naturalization before reaching the age of 25 years and upon compliance with all the requirements of the naturalization laws except: [12]

(1) No declaration of intention, certificate of arrival, or period of residence within the United States or in a State is required;

(2) The petition may be filed in any court having naturalization jurisdiction, regardless of the petitioner's residence;

(3) If there is attached to the petition at the time of filing a certificate from a naturalization examiner stating that the petitioner has appeared before him for examination, the petition may be heard at any time before filing; and

(4) Proof of good moral character shall be made by any means satisfactory to the naturalization court.

A former citizen meeting these requirements does not need to comply with the immigration laws.[13] Upon naturalization, the person has the "same citizenship status as if he had not been expatriated." [14]

The subcommittee feels that these provisions relating to naturalization of a person who has lost citizenship through the expatriation of a parent or parents should be redefined and brought in line with the general recommendation that, wherever possible, citizenship should vest or divest as definitely and in as uniform a manner as is possible. The subcommittee also feels that it is in the interest of the persons involved and of the United States that dual nationals should elect citizenship at the earliest possible time, and that if they elect against United States citizenship they thereafter be precluded from claiming it.

[10] Ibid., sec. 317 (b).
[11] Id.
[12] Ibid., sec. 318 (a).
[13] Ibid., sec. 318 (b).
[14] Ibid., sec. 318 (c).

C. Children Who Have Lost Their Nationality Because of the Denaturalization of Their Parents for Reasons Other Than Actual or Presumptive Fraud

A person who lost American citizenship as a minor child because of the cancellation of his parent's naturalization on grounds other than actual or presumptive fraud may be naturalized upon compliance with the naturalization laws, with these two exceptions:

(1) No declaration of intention is required;

(2) The 5-year period of residence in the United States need not be continuous.[15]

In order to avail himself of this method of reacquiring American citizenship the person who has thus lost his citizenship must have been in the United States at the time of the cancellation of his parent's naturalization, and must file his petition within 2 years after the cancellation. If he is under the age of 18, the petition may be filed on his behalf by his parent or guardian.

Citizenship of a person who thus reacquires it begins as of the date of his naturalization on his own petition, unless he has resided continuously in the United States from the date of the cancellation of his parent's naturalization to the date of his own naturalization, in which case his citizenship relates back to the date of the parent's naturalization if he was residing in the United States on that date. If he entered the United States after his parent's naturalization, but had resided here continuously between the date of the cancellation of his parent's naturalization and the date of his own naturalization, his citizenship dates back to the date of his arrival in the United States for permanent residence.

D. Persons Serving in Foreign Military Service

Subsection (c) of section 317 of the Nationality Act provides for repatriation of one who has lost his citizenship by entering or serving in the armed forces of a foreign state unless he has been expressly authorized so to do by our laws and, if in such service, he has or acquires the nationality of the foreign state which he has served. In such cases the person must petition in a court of naturalization any place in the United States, but he does not need to file a declaration of intention, need not have a certificate of arrival, and is not required to conform to any residence requirements for naturalization. He may enter the United States as a nonquota immigrant, subject to the immigration laws.

Section 323 of the act makes special provision for repatriation of a person who has served in the armed forces of a country at war with a country with which the United States is also at war. In such cases, the person may take the oath of repatriation either before a naturalization court or, in the case of one who served in World War II, before any diplomatic or consular officer of the United States abroad. If the oath is taken abroad before a diplomatic or consular officer, certified copies of the oath must be sent to the Department of State and to the Department of Justice.

The subcommittee feels that the provisions relating to repatriation of a United States citizen who has lost his citizenship through service

[15] Ibid., sec. 319 (a).

in the armed forces of a foreign country should be embodied in one section of the proposed bill and that such persons should comply substantially with all of the naturalization laws.

E. Deserters From Our Armed Forces in Time of War

Under section 401 (g) of the Nationality Act, a person who deserts the military or naval service of the United States in time of war loses his United States nationality by that act, if he is convicted thereof by a court martial and as the result of such conviction is dismissed or is dishonorably discharged from the service. However, the same subsection (g) provides that if such a person is subsequently restored to active duty or is subsequently reenlisted or inducted into the service with permission of the competent military or naval authority in time of war, such restoration, reenlistment, or reinduction has the immediate effect of restoring the person's nationality or citizenship, together with all civil and political rights, and of removing all civil and political disabilities resulting from his loss of nationality.

F. Statistics on Persons Regaining Citizenship

Statistics on the numbers and classes of persons who have regained lost American citizenship under the provisions of the Nationality Act of 1940 are not as comprehensive and detailed as for other phases of naturalization, but the following chart, compiled from the statistics of the Service, gives the principal data available on the subject:

Repatriation and resumption of citizenship

Provision	Year of repatriation				
	1944	1945	1946	1947	1948
1. Persons who lost citizenship by serving in the armed forces of allies of the United States or by voting in a political election in a nonenemy country	126	89	112	918	1,671
2. Native-born women who lost citizenship through marriage to aliens and who were repatriated under the act of June 25, 1936, as amended	3,375	2,039	1,190	936	1,051
3. Native-born women who lost citizenship through marriage to alien husbands and whose marriages terminated, and who were repatriated under sec. 317 (b) of the Nationality Act of 1940	271	99	132	167	190

G. Conclusions and Recommendations

With regard to regaining of American citizenship which has been lost, the subcommittee makes the following recommendations:

1. With regard to women who have lost citizenship by marriage to an alien, the subcommittee recommends that this class of persons be exempt from the investigation required of petitioners for naturalization under the proposed bill, but that the petitioner be required to establish to the satisfaction of the court that she has been a person of good moral character, attached to the principles of the Constitution, and well disposed to the good order and happiness of the United States for not less than 5 years immediately preceding the date of filing petition for naturalization and up to the time of admission to citizenship.

The subcommittee further recommends that persons naturalized under the proposed bill, and those naturalized under section 317 (a) of the Nationality Act of 1940 shall have, after their naturalization, the status of a native-born or naturalized citizen of the United States, whichever status existed in the case of such person prior to the loss of citizenship.

The subcommittee also recommends that a period of 1 year from the effective date of the proposed act be allowed to women to regain American citizenship who were eligible to regain such citizenship under the provisions of section 317 (b) of the Nationality Act of 1940 or under the provisions of the act of June 25, 1936, as amended, and who failed to take the oath of allegiance therein prescribed.

2. The subcommittee recommends that children who have lost nationality because of the loss of nationality of their parents by naturalization in a foreign state prior to January 1, 1948, be given 1 year from the effective date of the proposed act to enter the United States as nonquota immigrants for the purpose of regaining United States nationality.

3. The subcommittee recommends that section 319 of the Nationality Act of 1940 be repealed. The subcommittee feels that this section had no useful purpose under the 1940 act, since under the provisions of section 338 (e) persons deriving citizenship through a parent later denaturalized did not themselves lose citizenship except where revocation was based on actual fraud. It will be noted that section 319 provides for the expeditious repatriation of persons who lost citizenship as a result of the denaturalization of their parents on grounds other than actual or presumptive fraud. The subcommittee believes that these two sections as presently constituted are inconsistent.

Under the proposed bill, loss of nationality by derivative citizens because of the denaturalization of a parent or parents has been limited to persons who are outside the United States at the time of denaturalization. The subcommittee does not feel that persons in this limited category should be given any right to regain citizenship expeditiously.

Since, in the opinion of the subcommittee, section 319 is inconsistent with section 338 (e) of the present law, and since the subcommittee believes that persons who would have been within the purview of section 319 if it were continued do not merit expeditious procedure in regaining citizenship, the subcommittee is of the opinion that section 319 should not be included in the proposed bill.

4. With regard to persons who expatriate themselves by service in the armed forces of a foreign country, the subcommittee recommends that section 317 (c) of the present law permitting the expeditious repatriation of certain dual nationals be repealed. As presently constituted, this section permits persons who served in the armed forces of an enemy nation to return to this country in a nonquota status for the purpose of regaining their citizenship expeditiously. The subcommittee does not feel that such persons deserve such a status. Nor does the subcommittee believe that persons who served in the armed forces of a so-called neutral country deserve a nonquota status.

The subcommittee does approve of and recommends the retention of the provisions under the present section 323 to provide for the expeditious naturalization of persons who lost nationality while serving

during World War II in the armed forces of Allied Powers. The subcommittee recommends, however, that these persons be required to prove their good moral character and attachment to the principles of the Constitution and that lawful admittance for permanent residence also be required of them. Further, it is recommended that this section not apply to any person who served at any time during World War II in the army of any country which at any time during World War II was at war with the United States.

5. The provisions relating to regaining citizenship after deserting the armed services in time of war remain substantially unchanged in the proposed bill, but the subcommittee recommends that the reference to loss of or regaining of civil or political rights be deleted from the proposed bill, as the subcommittee feels that a determination of those rights is not properly a function of the nationality laws.

CHAPTER IX

MISCELLANEOUS

The foregoing chapters of part II of this report contain the broad outline of the Nationality Act of 1940, and certain recommendations for amendments which the subcommittee considers desirable in the light of the practical problems which have been presented during the past 10 years that the act has been in effect. In addition, the subcommittee calls attention to several miscellaneous provisions of the Nationality Act, and in some instances makes recommendations for changes and amendments, as outlined in the several topics set out in this chapter.

A. Miscellaneous Provisions for Establishing Status of Citizenship

1. LOSS OF NATIONALITY IN A FOREIGN STATE

Under the provisions of section 501 of the Nationality Act of 1940, a diplomatic or consular officer of the United States who has reason to believe that a person while in a foreign state has lost his American nationality must certify, in writing, to the Secretary of State the facts upon which such belief is based. If the Secretary of State approves the report, the certificate is forwarded to the Department of Justice for its information, and the diplomatic or consular office in which the report was made must forward a copy of the certificate to the person to which it relates.

2. CERTIFICATES OF NATIONALITY ISSUED BY SECRETARY OF STATE

The Secretary of State has discretionary power, under the provisions of section 502 of the Nationality Act of 1940, to issue a certificate of nationality for a person not a naturalized citizen who presents satisfactory evidence that he is an American national and that he needs the certificate for use in judicial or administrative proceedings of a foreign state. The certificate, when issued, must be sent through appropriate official channels to the judicial or administrative officers of the foreign state in which it is to be used, and shall be used solely for the case for which it was issued.

B. Judicial Proceedings for Declaration of United States Nationality Under Certain Conditions

Under the provisions of section 503 of the Nationality Act of 1940, a person who claims a right or privilege as a national of the United States and who is denied such right or privilege by any department or agency of the United States, on the ground that he is not a United States national, may institute an action for a judgment declaring him to be a national of the United States. He may bring this action

whether he is within or without the United States, and if without the United States may be admitted to the United States, subject to deportation in event it is decided in his case that he is not a United States national. Section 503 requires that such an entry into the United States be made only upon a certificate of identity, based on an affidavit of the person that the action is made in good faith and has a substantial basis. Any person who is denied such a certificate of identity, which he should get from a diplomatic or consular officer, may appeal to the Secretary of State, who, if he approves the denial, must state his reasons therefor in writing.

In spite of the definite restrictions on the use and application of section 503 to bona fide cases, the subcommittee finds that the section has been subject to broad interpretation, and that it has been used, in a considerable number of cases, to gain entry into the United States where no such right existed. The subcommittee also feels that the statute should be limited as to time within which such an action may be brought. The subcommittee therefore recommends that the provisions of section 503 as set out in the proposed bill be modified to limit the privilege to persons who are in the United States, and that any such action shall be brought within 5 years after the finding that the person is not a national of the United States.

C. Crimes and Penalties

The penal provisions of the Nationality Act of 1940 were originally contained in section 346 of that act. However, the criminal provisions are now contained in the Criminal Code of the United States enacted into positive law by the act of June 25, 1948 [1] with but few exceptions which will hereinafter be mentioned.

The Criminal Code of 1948 was a complete revision of all the penal laws of the United States. The criminal provisions of the Nationality Act of 1940 were repealed, and rewritten and incorporated in the Criminal Code. The provisions now appearing in the code are substantially the same as appeared in the act itself. The general fine provided under the code is $5,000, with a concurrent or alternative prison sentence of 5 years, but in a few cases a lesser penalty is provided.

Section 911 of title 18 provides for a fine of $1,000 and a prison term of not more than 3 years for falsely and willfully representing one's self to be a citizen of the United States. This provision appeared in the Nationality Act as section 346 (a) (18), and (d).

Section 1015 [2] of title 18 imposes a maximum $5,000 fine and a maximum prison term of 5 years, or either, for knowingly making a false statement under oath in any naturalization, citizenship, or alien registry proceeding, or falsely denying one's status as a naturalized citizen, knowingly and with intent to avoid any obligation imposed by law; using or attempting to use any preliminary or final documentary evidence of pending or final citizenship knowing that it has been obtained by fraud or false evidence or without required appearance or hearing of the applicant in court or otherwise unlawfully obtained; or knowingly making a false certificate, acknowledgment, or statement concerning the appearance before him, or the signature, attestation, or execution by any person of any required or authorized document

[1] 62 Stat. 683 (title 18, U. S. C., secs. 911, 1015, 1421 to 1429 and 3282).
[2] Based on subsecs. (a), pars. (1), (16), (17), (19), (32), (b), (d), and (e) of the Nationality Act of 1940.

relating to immigration, naturalization, citizenship, or registry of aliens.

Section 1421 [3] imposes the usual penalties for willful failure on the part of a person charged with moneys received in a naturalization, citizenship, or alien registration proceeding to pay the moneys over to the United States. Section 1422 [4] provides a like penalty for knowingly receiving fees in excess of those permitted by law.

Section 1423 [5] of title 18 imposes the same penalty for the offense of knowingly using for any purpose certain documents unlawfully issued or made showing admission to citizenship of any person.

The same penal provisions are attached to violations of sections 1424 to 1428, inclusive, of title 18.

Section 1424 of title 18 [6] imposes these penalties for a willful, false impersonation as a participant in a naturalization or citizenship proceeding or appearing therein in the name of a deceased person, or in a fictitious name, or knowingly and unlawfully using any indicia of naturalization or citizenship issued to another or in the name of a fictitious or deceased person.

Section 1425 (a) of title 18 proscribes the intentional procuring or attempting to procure the naturalization of any person contrary to law, or any evidence of citizenship; and section 1425 (b) forbids the intentional unlawful issuance or procurement of or application for naturalization or citizenship or any indicia thereof.[7]

Section 1426 of title 18 [8] forbids [9] the making, forging, altering, or counterfeiting of any oath, notice, or any other preliminary or final paper pertaining to naturalization, citizenship, or registry of aliens. Subsections (b) to (h) of this section prohibit: (1) The willful uttering, sale, disposal, or use as true or genuine of a false, forged, altered, antedated, or counterfeited document of the type mentioned in section 1426 (a), knowing the same to be of a forbidden character; (2) the possession of the foregoing documents and papers, knowing them to be of the illegal nature mentioned with intent to use them unlawfully; (3) the unlawful engraving, possession, or importation into the United States of any plates designed for the printing of any declaration of intention, certificate, or documentary evidence of citizenship or naturalization; (4) unlawfully bringing into the United States a document printed therefrom; (5) possession of a blank certificate of arrival, blank declaration of intention, or blank certificate of naturalization or citizenship provided by the Immigration and Naturalization Service with intent to use the same unlawfully; (6) unlawfully printing, photographing, executing, or making any print or impression in the likeness of a certificate of arrival, declaration of intention to become a citizen, or certificate of naturalization or citizenship, or any part thereof.

Section 1427 of title 18 [10] imposes the usual penalty for the illegal sale of naturalization or citizenship papers.

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[3] Including, substantially, sec. 346 (a) (34), (d), and (l) of the Nationality Act of 1940.
[4] Based on sec. 346 (a) (33), (d), and (l) of the Nationality Act of 1940.
[5] Revising and consolidating provisions of sec. 346 (a) (14), (b), and (d) of the Nationality Act of 1940.
[6] Consolidating sec. 346 (a) (6), (15), (b), and (d) of the Nationality Act of 1940.
[7] These subsections are based upon sec. 346 (a), pars. (2) to (5), (7), (b), (d) of the Nationality Act of 1940.
[8] Incorporating provisions of sec. 346 (a), pars. (8) to (12), (16), (17), (20) to (29), (b), (d), and (l) of the Nationality Act of 1940.
[9] Sec. 1426 (a).
[10] Incorporating provisions of sec. 346 (a) (13), (d) of the Nationality Act of 1940.

Section 1428 of title 18 [11] imposes the same penalty for failure to surrender an original or copy of a canceled certificate of naturalization or citizenship within 60 days of notice by the appropriate court or commissioner or deputy commissioner of naturalization.

In general, illegal procurement, use, or manufacture of documents proscribed by the code also includes any copy or duplicate thereof.

Section 3282 of the Criminal Code establishes a general statute of limitations of 3 years, superseding the 5-year period established in the Nationality Act of 1940.

Certain sections of the act of 1940 relating to evidential matters in criminal procedures or to the imposition of civil liability have remained in the act of 1940. Section 346 (i) provides that it shall be lawful to admit into any criminal action under the naturalization, immigration, or citizenship laws the testimony of any United States officer or employee concerning any statement voluntarily made to him in the course of his official duties by any defendant at or subsequent to the commission of any alleged crime, which statement might tend to show that the defendant did not or could not have knowledge of the matter concerning which he made an affidavit or oath, or was a witness.

Subsection (j) of section 346 of the Nationality Act of 1940 provides for civil liability to the United States in an "action of debt" in the amount of $25 for each failure on the part of the clerk of the court to comply with the law generally under section 337 (a), (b), (c), or (d). Subsection (k) of this section provides a similar civil liability in the amount of $50 for each failure of the clerk of the court to account for a certificate of naturalization.

1. CONCLUSIONS AND RECOMMENDATIONS

While no general revision of the Criminal Code relative to the nationality law will be required, the proposed change of section 338 renders advisable the incorporation of the words "concealment of a material fact or willful misrepresentation" into the appropriate sections of the Criminal Code.

The only necessary changes of this nature will be required in section 1015 (a) and (c) of title 18. In section 1015 (a) the substance of the language above quoted should be inserted after the words "false statement" and before the words "under oath" so that the section will read: "Whoever knowingly makes any false statement or conceals a material fact or makes a willful misrepresentation under oath in any case, proceeding, or matter relating to naturalization, citizenship, or registry of aliens; or".

Subsection (c) of section 1015 should be amended by adding following the words "procured by fraud or false evidence" the words "or by concealment of a material fact or willful misrepresentation" so that the section would read: "Whoever uses or attempts to use any certificate of arrival, declaration of intention, certificate of naturalization, certificate of citizenship or other documentary evidence of naturalization or of citizenship, or any duplicate or copy thereof, knowing the same to have been procured by fraud or false evidence or by concealment of a material fact or willful misrepresentation or without required appearance or hearing of the applicant in court or otherwise unlawfully obtained * * *."

[11] Based on sec. 346 (a) (13), (d) of the act of 1940.

D. Fees

Section 342 of the Nationality Act of 1940 sets out the fees which the clerk of a naturalization court or the Commissioner of Immigration and Naturalization may charge in connection with naturalization of an alien or in the issuance of documentary proof to him upon his naturalization.

Subsection (a) of section 342 provides that the clerk of the naturalization court shall charge $3 for receiving and filing a declaration of intention, and $8 for making, filing, and docketing a petition for naturalization. This $8 fee includes the final hearing on the petition and a certificate of naturalization if the issuance of such a certificate is authorized by the naturalization court.

Subsection (b) of section 342 requires the Commissioner to charge and collect $18 for application for record of registry; $1 each for a duplicate declaration of intention or certificate of naturalization which has been lost, mutilated, or destroyed; $5 each for a certificate of citizenship, a special certificate of citizenship to obtain recognition, a certificate of naturalization under section 323, or a certificate of citizenship in changed name applications.

The Commissioner is also empowered to charge reasonable fees in other cases not specified in the section, to cover the cost of furnishing copies of the records of the Service. No fees are to be collected from an alien who is naturalized while in the armed service and while the United States is at war, nor are certain fees, enumerated in the act, to be collected from those who have served honorably in the armed services in time of war.

Provision is also made for payment of one-half of the fees collected by the clerk of a naturalization court to the Commissioner, up to and including $6,000 in fees in any one fiscal year, and all of such fees over and above $6,000.

Subsection (h) of section 342 limits counsel's fees to $25 in any naturalization proceeding, except when the court specifically approves a fee in excess of that amount.

The subcommittee considers that the fees now charged for naturalization are, as are the fees relating to immigration, far too low in comparison with like services rendered by other departments of the Government under similar cases and circumstances. The subcommittee therefore recommends that the minimum set fee for any service, either by the Commissioner or by the clerk of a naturalization court, be $5; that the $8 fee for filing a petition for naturalization be raised to $10; that the fee for application for record of registry be raised from $18 to $25; and that the provision limiting counsel's fee in a naturalization proceeding to $25 be repealed, allowing the court in every case to set a reasonable fee.

PART 3

SUBVERSIVES

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CHAPTER I

COMMUNISM AS AN ALIEN FORCE

A. IMMIGRATION PROBLEMS

Since the rise of Soviet Russia during the past three decades, the problem of subversives has become a vital consideration in any evaluation of national immigration and naturalization policies. The impact of world events upon our immigration system can no longer be ignored. As an international conspiracy, communism has organized systematic infiltration of our borders for the purpose of overthrowing the democratic Government of the United States by force, violence, and subversion.

Although our present immigration laws provide for the exclusion and deportation of certain types of dangerous and subversive aliens, through the years these provisions have been made subject to a number of exceptions and provisos which have opened a back door for the admission into the United States of agents of foreign powers who enjoy a practical immunity from our laws.[1] The administration of the legal mandates has frequently been lax and indecisive. By default, additional avenues of entry have been provided for otherwise excludable aliens.

Five of the major problems connected with subversive activity are directly related to the question of immigration:

1. The Communist International has in its employ a network of agents whose sole function is to organize and promote Communist activity, sabotage, espionage, propaganda, and terrorism. These agents are sent into the United States and other countries under the policy of the Communist high command. Although some of the agents are native-born Americans or have acquired citizenship through naturalization, a large majority of them are aliens.

2. Occasionally aliens who come to this country as immigrants do not leave behind them their loyalties to foreign governments and foreign ideologies. Some of them engage in subversive activity, organize or join Communist organizations, or engage in propaganda activities among their neighbors.

3. Agents of communism have used the customary courtesy extended by the United States to representatives of foreign governments, including diplomats, consuls, and other representatives, as a screen behind which to engage in espionage and other activities designed to overthrow our democratic form of government by force and violence.

4. Communist agents have used international organizations in this country as a vehicle for carrying on anti-American activity. The evidence in the files of the subcommittee shows conclusively that many representatives and staff members of international organizations

[1] For a detailed discussion of existing law, see ch. II of this part.

are engaging in subversive activities beyond the proper scope of their duties of employment.

5. We have for many years extended to certain foreign governments the privilege of establishing in this country missions such as trading commissions and news agencies. Some of these, too, have been integrated into the international Communist espionage-sabotage-subversion network. They have expended vast sums of money for propaganda and intelligence work and have frequently supported Communist enterprises by direct contributions.

B. ALIEN CONTROL

Communism is, of necessity, an alien force. It is inconceivable that the people of the United States would, of their own violition, organize or become part of a conspiracy to destroy the free institutions to which generations of Americans have devoted themselves. The tremendous political freedom and the corollary standard of living of the United States have given the people of this country a national entity and heritage far superior to anything which human society has created elsewhere.

The political system of the United States exists or changes at the pleasure of the people. Violent revolutions, treason, or conspiratorial methods are unnecessary tactics in a democratic society. If the political party in power fails to conform to current political ideas, it can be changed, as evidenced not only by the changing political fortunes in elections, but by the complete disappearance of old political parties and the creation of new ones. If laws become obsolete or fail to express the will of the people, they can be and are changed, as evidenced by the thousands of pages of legislation in the past decade alone. Even the basic cornerstone of our system of government may be altered or changed. The 21 amendments to the Constitution of the United States exemplify that the organic law of this country may be altered from time to time to reflect the will of the people.

In the light of these facts, it is not strange that the vast majority of those who would establish a Communist dictatorship in this country come from alien lands; and it is easy to see that the forces of world communism must have or find ways and means for getting their minions into this country if they are to maintain the effectiveness of their organization here.

The Comintern realizes that it cannot rely on native Americans because to do so involves the constant risk of having its work impeded or exposed. It is to be expected that the loyalty of a native American or of a citizen of long standing would occasionally reassert itself, despite the most intensive Communist indoctrination.

The break with the Communist Party by men like Louis Budenz, Howard Rushmore, Jay Lovestone, Benjamin Gitlow, and others offers conclusive proof to Moscow that it can only rely on its own chosen agents for the work of destroying America. In the event of a clash of arms between the Soviet homeland and this country, the Communists would find it even more difficult to rely upon native Americans and those of foreign origin who become Americanized. We have seen in the past that the unity of the American people, both native and foreign-born, has always been one of our strongest assets in time of war. The Communists know this.

As stated under oath by Elizabeth Bentley, one-time Soviet espionage agent:

> Back in 1945, I was told that eventually there would be a war between this country and Russia, and I was told by the first secretary of the Russian Embassy again and again that what worried them the most was the fact that they didn't know that they could count on an American Communist, no matter how corrupted or no matter how "steeled," as they called it, in the event of war between the United States and Russia. Therefore, they have tried to limit their dependence on Americans to a minimum.[2] * * *
>
> If you cut that lifeline between here and Moscow, you will have thrown the Communist Party off base, because people like Earl Browder were never anything but front men. The real men who made the decisions and who carried out the orders were aliens sent to this country by Moscow. That even was carried to a point where in the party organizations and the party press you had aliens controlling it.[3]

The fact that communism is an alien entity is well-recognized in party circles. It is one of the factors which the Communist International takes into consideration in the organization of its activities.

Howard Rushmore, former editor of the Young Worker, official organ of young Communists, and former staff member of the Daily Worker, the official organ of the party, made this clear before the subcommittee. He pointed out that the party was controlled by aliens or persons of foreign origin because of the profound distrust of Moscow for native Americans. "A Communist of American background" is regarded in the party with definite suspicion. The term "American" is used in party circles as a sneering epitaph and Communist officials often use the expression, "Oh, he is just a dumb American" or "He is just an American" as a term of derision to describe nonalien Communists.[4]

It is a well-established fact that both the leadership and membership of the Communist Party is recruited overwhelmingly from alien ranks. During the course of its 30 years of existence in this country, the Communist Party has been ruled exclusively by alien agents appointed by the Communist International headquarters in Moscow.

The high command of the party in this country invariably has been dominated by aliens or persons of foreign origin. These facts have been documented by the testimony presented before the subcommittee.

The testimony of one witness before the subcommittee is to the effect that there are no Communist "bosses in this country. The orders come directly from Moscow * * * but they have in this country aliens and naturalized aliens who are in contact with Moscow in order to carry out these directives and to see that they are carried out." [5] This testimony has been amply confirmed in essence by other witnesses.

The Attorney General of the United States presented before the subcommittee an analysis conclusively establishing that the Communist organization, the Communist apparatus in the United States, is overwhelmingly under the control of aliens and foreign-born persons. A study of 4,984 "of the more militant members of the Communist Party" as of 1947, which involved "several months of

[2] U. S. Senate Committee on the Judiciary, Communist Activities Among Aliens and National Groups, hearings, p. 113.
[3] Ibid., p. 116.
[4] Ibid., p. 782.
[5] Ibid., p. 121.

research," was presented by the Attorney General to the subcommittee:[6]

Of that 4,984 cases analyzed, it was found that 2,202 or 44 percent of the individuals studied were either of Russian stock (i. e., born in Russia or of Russian or mixed parentage, with at least one parent born in Russia) or were married to persons of Russian stock. Thirty-seven percent of the individuals studied were of Russian stock, and 7 percent were married to persons of Russian stock, making the total 44 percent. * * *

It was further found that an additional 614 subjects of the individuals studied, or 12.5 percent of the 4,984, were either of stock from the countries adjacent to Russia (Poland, Finland, Rumania, Lithuania, Turkey, Latvia, and Estonia) or were married to persons of such stock. * * *

Combining the statistics relating to Russian stock with those relating to stock from countries adjacent to Russia, it will be seen that 2,816, or 56.5 percent of the 4,984 cases analyzed, were either of stock from Russia or the adjacent countries or were married to persons of such stock.

In addition, it was found that 1,739 individuals, or 34.9 percent of the total 4,984 subjects, were either of stock from other foreign countries or were married to stock from other foreign countries. * * *

Thus it will be seen that a total of 4,555, or 91.4 percent of the 4,984 subjects, were either of foreign stock or were married to persons of foreign stock; 3,908 of these, or 78.4 percent of the total 4,984 subjects, were of foreign stock, and 647, or 13 percent of the total 4,984 subjects, were married to persons of foreign stock.

In only 429, or 8.6 percent of the 4,984 cases, were the subject and his parents, and, if married, the spouse and the spouse's parents, all born in the United States.

To recapitulate—

	Number	Percent
1. Subjects of, or married to, Russian stock	2,202	44.0
Subjects of, or married to, stock from countries adjacent to Russia	614	12.5
Total of Russian and adjacent countries	2,816	56.5
2. Subjects of, or married to, other foreign stock	1,739	34.9
3. Total, all foreign stocks	4,555	91.4
4. Subject and parents and, if married, spouse and parents all born in the United States	429	8.6
5. Total	4,984	100.0

The figures submitted by the Attorney General may be compared to the 1940 census which discloses that less than 2 percent of the white population of the United States consisted of Russian stock. Yet, 44 percent of the Communists studied by the Department of Justice were of Russian stock or married to Russian stock. Persons of stock originating in the countries adjacent to Russia constituted less than 3 percent of the total white population of the United States, yet 12.5 percent of the Communists included in the Attorney General's study were either of stock of these countries or married to such persons. Although approximately 30 percent of the white population of the United States consisted of foreign white stock, 91 percent of the Communists studied were either of foreign stock or married to persons of foreign stock (78 percent were of foreign stock and 13 percent were married to persons of foreign stock). Only 8.6 percent were born in the United States of parents born in the United States and, if married, had native-born spouses or native-born parents; whereas 70 percent of the white population of the United States consists of native stock, according to the 1940 census.[7]

[6] Ibid., pp. 318-320.
[7] Ibid., p. 320.

Louis Budenz, former managing editor of the Daily Worker, summed up the alien control of the Communist Party in the United States in the following words:

> There is a complete and extensive apparatus existing in this country for the purpose of directing native Communists through alien personnel. This apparatus begins with the connection of the political committee of the Communist Party with Moscow through the alien agents of the Communist International. It then proceeds to branch out into many ramifications, with its driving force in the political tourists sent in here to function in various departments of American life.[8]

In tracing the lines of Communist control over the party in the United States, Budenz stated:

> But the percentage of aliens increases and the power of aliens rises as we get nearer to the roots. That is, nearer to the contact with Moscow, nearer to the place from which policy issues. The Communist Party leadership functions on directives received from Moscow. These directives are channelized to the party leadership by the Communist International representative and the apparatus around him. Until recently, this representative was Gerhart Eisler, alias Edwards, alias Hans Berger. With him was associated J. V. Peters, who was responsible for the espionage of the Communist International, in cooperation with the Soviet secret police in this country.
>
> How do I know that? Because Mr. Peters told that to me himself when, after he had directed many questions to me which indicated that he had a background knowledge of things, I asked him, "Was I privileged to know why he directed these inquiries at me?"
>
> "Yes, you have justified that confidence," he said. He told me that he was the liaison officer or link between the Communist International apparatus and the Soviet secret police in this country.[8a]

Another native American who broke with the Communist Party is Paul Crouch. In his 17 active years in party work, he learned that—

> the vast majority of those persons who direct the United States branch of the Communist International [that is, the Communist Party in America] are foreign-born persons who are not naturalized citizens of this country. * * * Native born and naturalized American Communists, in the main, are nominal party officials and are used mostly to head the various party fronts.[9]
>
> With few exceptions, however, when an American member is taken into the real top circles of the party, it proves disappointing to Moscow. Most Americans who were admitted to the higher circles of party leadership were disgusted and nauseated at what they found there.[10]

Crouch agreed with the statement that if the Communist Party were deprived of its alien elements "this Communist Party would not amount to much." [11]

On the basis of his 17 years' experience in the party, Paul Crouch testified that the open Communist leaders, entirely, exclusively owe primary and sole allegiance to Russia. He further stated that while he was a member of the Communist Party he knew and felt that his allegiance was to Soviet Russia:

> I felt that I had to take the orders which I knew came from Russia, rather than the orders of the American Government; that is correct.[12]

This testimony was supported by Louis F. Budenz, in his sworn statement that "the Communist Party in the United States, so-called,

[8] Ibid., p. 243.
[8a] Ibid., p. 222.
[9] Ibid., pp. 127-128.
[10] Ibid., p. 132.
[11] Ibid., p. 128.
[12] Ibid., p. 130.

is directed exclusively by aliens." Speaking of the structure of the Communist Party, he pointed out that—

> It is also shot through in its various organizational subdivisions throughout the country with alien personnel. These political tourists * * * have been ordered here by Moscow in order to steel the party here for complete service to the Soviet dictatorship.
>
> This, then, is a general world pattern pursued by the Kremlin: That the direct responsibility shall be in the hands of aliens in any respective country in which operations are carried on. It is the fixed design of Moscow to employ aliens in the most responsible positions in every country. This assures that nostalgia and patriotism may be reduced to the minimum in the steeled ranks of Stalin's servants.
>
> The native Communist leader, therefore, is always under the control of a superior, who is an alien, or an ex-alien, the latter having received his citizenship merely in order to serve the Kremlin more effectively.[13]

Maurice Malkin, Russian-born charter member and one of the original organizers of the Communist Party, stated:

> The Communist Party of the United States was organized and has been led by aliens since its inception in 1919. The alien organizational efforts are directed through such channels as the foreign-language groups such as the Russian Federation in the Socialist Party and the Ukranian, Italian, Jewish, Bulgarian, and other language federations and groups.
>
> The backbone of the original Communist Party was the Russian Federation. They were the most active in immediately alining themselves with the Lenin-Trotsky Bolshevists of 1917.
>
> The various language federations of the Socialist Party of the United States were invited to form the Communist Party by Ludwig A. C. K. Martens, then the unofficial Soviet Ambassador to the United States. He was deported from the United States in 1920 as persona non grata.
>
> Since Martens' deportation, the Communist Party in the United States has been directed by the Comintern in Moscow. Every movement of the front organization that has been organized since then has been directed by the Comintern directly through its representatives to the United States or through the Communist Party leaders who take orders from the Moscow representatives.[14]

For many years, the control commission of the Communist Party, which holds "the lives of Communists politically in their hands," was under the control of Jacob Golos, an alien. Golos used the World Tourists Agency as a screen for his activities, which included espionage.[15]

The Communist Party receives directives of operation from the Soviet Union through a special committee for contact with the Soviet Embassy. This commission "receives its directive from secret Soviet channels and the Communist International representatives."[16]

The policy and line of the Communist press depends wholly upon the dictates of Moscow. For the purpose of indoctrination, the Soviet Union maintains a stream of propaganda literature, which is distributed in the United States largely through the Four Continents Book Co., a registered agent of the Soviet Government. This organization imports into the United States such publications as New Times, the international propaganda publication of the Soviet Government, which is published in a number of languages for world-wide distribution. This periodical "is in reality the name in disguise of the Communist International magazine, and it contains directives which the Daily Worker staff, the editorial board, and other active Communists must follow, as, of course, best they can under American conditions."[17]

[13] Ibid., pp. 218-219.
[14] Ibid., p. 472.
[15] Ibid., Budenz, p. 234; Ibid., Bentley, p. 109.
[16] Ibid., p. 235.
[17] Ibid., Budenz, p. 227.

The same is true of Political Affairs, the official theoretical organ of the Communist Party which—

> By its reprint from Soviet journals * * * acknowledges the complete thought control of Communists by the Kremlin. Every delicate indication of new Soviet policy is reflected in the articles in Political Affairs, but specifically in the reprints from Soviet publications. This goes to the extent of making it necessary for the Communists here to hold the same views on biological science which Stalin has dictated for the Soviet scientists.
>
> Witness the article in the February Political Affairs by I. Laptev, The Triumph of Mitchurin Biological Science, taken from Pravda on September 11, 1948. These articles, recopied or republished from Pravda and the other Soviet journals, must be read diligently, must be mastered by the active Communist, and must be used in his work.[18]

The chief theoretician of the Communist Party in the United States is an alien. He is Alexander Bittelman, one of the members of the editorial board of Political Affairs, as well as the head of International Publishers, the official publishing house of the Communist Party. Bittleman is a Russian alien who is presently under deportation proceedings.[19]

From the statements made before the subcommittee, as well as the general evidence gathered—the history of the Communist movement, the changes of its policies, the manner of its expression, the utterances of the Comintern leadership—the conclusion is inescapable that the Communist Party and the Communist movement in the United States is an alien movement, sustained, augmented, and controlled by European Communists and the Soviet Union. The severance of this connection and the destruction of the life line of communism becomes, therefore, substantially an immigration problem.[20]

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[18] Ibid., Budenz, p. 228.
[19] Ibid., Budenz, p. 235.
[20] Treatment of other aspects of Communist activity as revealed in testimony before the subcommittee and through an analysis of the world Communist movement is omitted here for the sake of brevity. These are, however, factors which entered into the subcommittee's consideration of the immigration problem referred to above. Because of the importance of the subject of Communist subversive activity, not only with regard to immigration and naturalization, but in connection also with other bills pending before the Judiciary Committee, consideration is being given to possible future publication of a separate monograph or staff report in this field.

CHAPTER II

THE LAW

A. INTRODUCTION

Expressions of the concern of the Congress over the activities of aliens considered to be subversive to the national security and the maintenance of our constitutional form of government may be found in numerous acts which have been passed to protect the safety of the United States and to preserve the fundamental institutions upon which this Nation was founded. Many such acts are the law of the land today, but in view of the evidence before the subcommittee concerning the extent of subversive activities of the aliens in our midst, it is appropriate for the subcommittee in its consideration of the immigration laws to reexamine the existing provisions of the laws to determine whether they contain adequate safeguards against the entry of those aliens who seek to enter the United States to engage in activities which will endanger the public safety or security, or otherwise be prejudicial to the public interest.

One of the earliest manifestations of the concern of the Congress over the potential danger to the Nation's security of the unrestricted presence and movement of aliens within our borders is to be found in the Enemy Alien Acts of 1798, the substance of which has been brought forward and is an essential part of the law today.[1] Pursuant to the acts, whenever a state of war is declared between the United States and any foreign nation or government, or any invasion is perpetrated, attempted, or threatened against the territory of the United States by any foreign nation or government, and it is so proclaimed publicly by the President, all alien natives, citizens, denizens, or subjects of the hostile nation or government become liable to be apprehended, restrained, secured, and removed as alien enemies in such manner as may be directed by the President and found by him to be necessary for the public safety. The broad powers of the President over the alien resident in time of war or threatened invasion have been exercised to protect the public safety, and have served their purpose well. That phase of the alien problem has been discussed in detail in chapter IV of part I and needs no further treatment. As stated in the discussion at that point, such wartime measures for the control of aliens are necessary and proper to safeguard the country in time of war and should be retained.

In times of peace, as in times of war, it has been clearly demonstrated that the protection of the public safety requires the exclusion from the United States of those aliens who bring with them their alien ideologies which are subversive to the national security and contrary to our constitutional form of government. Our immigration laws for some time past have contained provisions for excluding

[1] Derived from act of July 6, 1798 (1 Stat. 577); act of July 6, 1812 (2 Stat. 781). Present provisions R. S., secs. 4067-70; 50 U. S. C. 21-24.

and deporting such undesirable aliens. Those provisions, however, need to be reviewed in the light of the increased threat to our national security from the infiltration of our population by aliens who would seek to overthrow our present form of government by force or violence, or by other unconstitutional means.

B. THE EXCLUSION OF ALIEN SUBVERSIVES

In the latter part of the last century and the beginning of the present century, Congress had become increasingly aware of the necessity for imposing qualitative restrictions upon those aliens seeking to enter the United States in order to eliminate the undesirables. As that phase of our immigration policy developed, aliens whose ideologies were inimical to the interests of the United States were classed as undesirable and excluded from admission.

In the act of March 3, 1903,[2] Congress proscribed as an excludable class of aliens, persons who are anarchists, persons who believe in or advocate the overthrow by force or violence of the Government of the United States or of all government or the assassination of public officials, and persons who are members of or affiliated with organizations entertaining or teaching the doctrines of anarchy. Substantially the same provisions relating to anarchists were brought forward when qualitative restrictions imposed on the alien were further strengthened by the act of February 20, 1907.[3]

The act of February 5, 1917,[4] represented the first comprehensive immigration law, and in section 3 it included in the classes of excludable aliens the following:

> anarchists, or persons who believe in or advocate the overthrow by force or violence of the Government of the United States, or of all forms of law, or who disbelieve in or are opposed to organized government, or who advocate the assassination of public officials, or who advocate or teach the unlawful destruction of property; persons who are members of or affiliated with any organization entertaining and teaching disbelief in or opposition to organized government, or who advocate or teach the duty, necessity, or propriety of the unlawful assaulting or killing of any officer or officers, either of specific individuals or of officers generally, of the Government of the United States or of any other organized government, because of his or their official character, or who advocate or teach the unlawful destruction of property; * * *.

This provision is substantially the same as the previous provisions relating to subversives contained in the acts of 1903 and 1907. In addition, section 28 of the 1917 act provides that any person who aids or assists subversives to enter the United States, or who conspires to do the same, shall be guilty of a felony and subject to a fine of not more than $5,000 and imprisonment for not more than 5 years.

While the provisions of section 3 of the act of 1917 remain as a part of the substantive law relating to the exclusion of subversives, they have, in effect, been supplanted by the provisions of the act of October 16, 1918,[5] as amended, which has considerably enlarged the classes of subversive aliens excluded from admission to the United States. Section 1 of that act proscribes as excludable any alien who, at any time, shall be or shall have been a member of any one of the following classes:

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[2] 32 Stat. 1213, 1214, 1221.
[3] 34 Stat. 898, 899, 908.
[4] 39 Stat. 874, 875.
[5] 40 Stat. 1012; 41 Stat. 1008; 54 Stat. 670, 673; 62 Stat. 268; 8 U. S. C. 137.

(a) Aliens who are anarchists; or aliens who the Attorney General knows or has reason to believe seek to enter the United States for the purpose of engaging in activities which will endanger the public safety of the United States;

(b) Aliens who advise, advocate, or teach, or who are members of or affiliated with any organization, association, society, or group that advises, advocates, or teaches, opposition to all organized government;

(c) Aliens who believe in, advise, advocate, or teach, or who are members of or affiliated with any organization, association, society, or group that believes in, advises, advocates, or teaches: (1) the overthrow by force or violence of the Government of the United States or of all forms of law, or (2) the duty, necessity, or propriety of the unlawful assaulting or killing of any officer or officers (either of specific individuals or of officers generally) of the Government of the United States or of any other organized government, because of his or their official character, or (3) the unlawful damage, injury, or destruction of property, or (4) sabotage;

(d) Aliens who write, publish, or cause to be written or published, or who knowingly circulate, distribute, print, or display, or knowingly cause to be circulated, distributed, printed, published, or displayed, or who knowingly have in their possession for the purpose of circulation, distribution, publication, or display, any written or printed matter, advising, advocating, or teaching opposition to all organized government, or advising, advocating, or teaching: (1) the overthrow by force or violence of the Government of the United States or of all forms of law, or (2) the duty, necessity, or propriety of the unlawful assaulting or killing of any officer or officers (either of specific individuals or of officers generally) of the Government of the United States or of any other organized government, or (3) the unlawful damage, injury, or destruction of property, or (4) sabotage;

(e) Aliens who are members of or affiliated with any organization, association, society, or group that writes, circulates, distributes, prints, publishes, or displays, or causes to be written, circulated, distributed, printed, published, or displayed, or that has in its possession for the purpose of circulation, distribution, publication, issue, or display, any written or printed matter of the character described in subdivision (d).

As originally enacted, the act of October 16, 1918, followed generally the language of the previous acts in proscribing the classes of aliens excluded as subversives, namely, all anarchists or persons who advocate the overthrow of the Government of the United States or of any government or who are members of organizations advocating such beliefs. As amended by the act of June 5, 1920,[6] the excluded class of subversives was considerably enlarged to read substantially as it does today. However, subjection of the aliens to the excluding provisions was construed to depend upon present membership in any of the proscribed classes.[7] By the act of June 28, 1940,[8] the excludable class was further enlarged to include "any alien who, at any time, shall be or shall have been," a member of any one of the proscribed classes. By the act of May 25, 1948,[9] aliens who seek to enter the United States for the purpose of engaging in activities which will endanger the public safety were added to the classes subject to exclusion.

In addition to the foregoing provisions of the immigration laws, the act of June 20, 1941,[10] grants to any American diplomatic or consular officer authority to refuse the issuance of a visa to any alien who he knows or has reason to believe seeks to enter the United States for the purpose of engaging in activities which will endanger the public safety.

The foregoing acts contain the basic provisions in our immigration laws with regard to the exclusion from admission to the United States of the alien subversive, deferring for the moment a consideration of other special acts of legislation designed to cover particular situations.

[6] 41 Stat. 1008.
[7] See *Kessler* v. *Strecker*, 307 U. S. 22, 29 (1939).
[8] 54 Stat. 670, 673.
[9] 62 Stat. 035.
[10] 55 Stat. 252; 22 U. S. C. 228.

C. DEPORTATION OF SUBVERSIVE ALIENS

In addition to denying admission to those aliens who fall within any of the proscribed classes of subversives, the immigration laws provide for the deportation of such aliens who are apprehended after entry. Section 19 of the act of February 5, 1917,[11] classifies as one of the deportable classes of aliens those persons who, at any time after entry, are found to be advocating the overthrow by force or violence of the Government of the United States or of any government, the unlawful destruction of property, anarchy, or the assassination of public officials. That class of deportables, however, is by its terms limited to those aliens presently members of the class at the time of apprehension. Also deportable within 5 years of entry is any alien who was a member of one of the subversive classes of excludables at the time of entry.

The deportable classes of subversives are more inclusive under the act of October 16, 1918, as amended.[12] Section 2 of that act provides, in substance, that any alien who was at the time of entry, or has been at any time thereafter, a member of any one of the excluded classes of aliens set forth in the act, irrespective of his date of entry, is deportable.

The act of June 28, 1940 (Alien Registration Act of 1940),[13] provides in section 2 of title I that engaging in certain activities the purpose of which is the overthrow or destruction of any government in the United States by force or violence or by the assassination of any officer of any such government is unlawful and provides criminal penalties therefor. That act also amended section 19 of the act of February 5, 1917, by adding a new subsection (b) which included several new classes of deportable aliens. Among those classes are any alien who at any time within 5 years of entry shall have been convicted of engaging in the subversive activities referred to above; or who, at any time after entry, shall have been convicted more than once for engaging in such activities.

D. EXCEPTIONS TO THE IMMIGRATION CONTROLS OVER SUBVERSIVE ALIENS

The immigration laws relating to the exclusion and deportation of those aliens classed as subversive, while very broad in their coverage, are subject to certain limitations and qualifications in their application by exceptions which have been incorporated in the laws. Section 3 of the act of February 5, 1917, which sets forth, in part, the excluded classes of aliens, contains four provisos which have a bearing upon the admission and departure of alien subversives. They are the second, seventh, ninth, and tenth provisos. Perhaps the tenth proviso is the most far-reaching so far as the question of subversive aliens is concerned, but the exceptions contained in all the provisos should be noted.

The second proviso to section 3 of the 1917 act removes from the excluded class of aliens those persons who, if otherwise admissible, are convicted, or who admit the commission, or who teach or advocate the commission, of an offense purely political.

The seventh proviso to section 3 of the 1917 act permits the Attorney General to admit aliens returning after a temporary absence to an

[11] 39 Stat. 874, 889.
[12] 40 Stat. 1012; 41 Stat. 1008; 54 Stat. 670, 673.
[13] 54 Stat. 671–672.

unrelinquished domicile in the United States of seven consecutive years under such conditions as he may prescribe. Under this language a waiver of the provisions relating to the exclusion of subversives is possible.

The ninth proviso to section 3 of the 1917 act permits the Commissioner of the Immigration and Naturalization Service, with the approval of the Attorney General, to prescribe rules and regulations controlling the admission of otherwise inadmissible aliens for temporary admission. Its effect is to permit the granting of a waiver of the provisions excluding alien subversives in the discretion of the Commissioner with the approval of the Attorney General.

The tenth proviso to section 3 of the 1917 act provides that "nothing in this act shall be construed to apply to accredited officials of foreign governments, nor to their suites, families, or guests." Under that broad exemption, none of the provisions of that act relating to the exclusion and deportation of alien subversives are applicable to the accredited foreign government officials, their suites, their families, or their guests. Likewise, the act of October 16, 1918, as amended, has been construed as being in pari materia with the 1917 act, and, therefore, such foreign government officials and their suites, families, and guests are not subject to any of the exclusion provisions of that act.[14] The result is that the foreign government official and his specified retinue cannot be denied admission to the country because they fall within any of the subversive categories of excludable aliens.

Another notable exception to the exclusion provisions is to be found in section 33 of the 1917 act relating to alien seamen. Alien seamen may be discharged in a port in this country and, if they intend to reship on another vessel, the immigration authorities are forced to admit them for temporary periods regardless of the exclusion provisions of the laws. The consent of the immigration authorities to the discharge is not necessary, notification by the master of the vessel or the seamen being sufficient. Thus subversive alien seamen may have free access to the country for the temporary periods between discharge in a port in this country and reshipping on another vessel.

It has already been observed in the discussion, in chapter V of part I, of representatives to and officers and employees of international organizations that such aliens and members of their families are entitled to the same exemptions, privileges, and immunities under the immigration laws as are accorded to accredited officers and employees of foreign governments and their families. These broad exemptions are found in section 7 of the International Organizations Immunities Act, adopted December 29, 1945.[15] Since accredited officials of foreign governments and members of their families are exempt from the excludable and deportable classes of subversives under the act of February 5, 1917, and the act of October 16, 1918, by virtue of the tenth proviso to section 3 of the 1917 act, the aliens within the coverage of the International Organizations Immunities Act are likewise exempt.

The headquarters agreement governing the entry and departure of certain aliens in transit to or from the headquarters district of the United Nations has also been discussed in detail in chapter V. That

[14] U. S. Senate Committee on the Judiciary, Communist Activities Among Aliens and National Groups, hearings, p. 330.
[15] 59 Stat. 669.

Executive agreement, which was executed pursuant to the authority granted the President under Public Law 357 of the Eightieth Congress,[16] obligates the United States under the provisions of section 11 not to impose any impediments to transit to or from the headquarters district of specified classes of aliens entering the country in connection with the functions of the United Nations. Among the classes specified are: (1) Representatives of members or officials of the United Nations and certain specialized agencies and members of their families, (2) experts performing missions for the United Nations or such specialized agencies, (3) representatives of the press, radio, film, or other information agencies accredited by the United Nations or such specialized agencies after consultation with the United States, (4) representatives of certain nongovernmental organizations for purposes of consultation, and (5) other persons invited by the United Nations or such specialized agencies on official business.

The agreement then provides in section 13 that the immigration laws of the United States will not be applied in such manner as to impose any impediment to the transit of the aforementioned classes of persons to or from the headquarters district, or as to require such persons to leave the United States on account of any activities performed by them in their official capacity. In any case of abuse of the privileges of residence by any person in nonofficial activities, such person shall not be exempt from the laws relating to deportation except that no proceeding may be instituted without the prior approval of the Secretary of State, which approval shall be given only after consultation with the appropriate member, the Secretary General, or the principal executive officer of a specialized agency of the United Nations, as the case may be. Those representatives of members who are granted diplomatic privileges and immunities under section 15 of the agreement may not be required to leave except in accordance with the customary procedure applicable to diplomatic envoys.

The foregoing broad exemptions from the immigration laws granted to the specified persons in section 11 of the agreement are subject to the specific reservation contained in section 6 of annex 2 to the agreement, as authorized pursuant to Public Law 357, to the effect that "Nothing in the agreement shall be construed as in any way diminishing, abridging, or weakening the right of the United States to safeguard its own security and completely to control the entrance of aliens into any territory of the United States other than the headquarters district and its immediate vicinity, as to be defined and fixed in a supplementary agreement between the Government of the United States and the United Nations in pursuance of section 13 (e) of the agreement, and such areas as it is reasonably necessary to traverse in transit between the same and foreign countries." Thus, the aliens entitled to the exemption under the immigration laws may be restricted to the headquarters district and its immediate vicinity, and Congress specifically reserved to the United States, in its authorization of the agreement, the unequivocal right to safeguard its own security. That reservation is sufficiently broad to justify the imposition of immigration controls over the aliens covered by the agreement to safeguard the security of the country against subversive activities.

[16] Joint resolution of August 4, 1947; 61 Stat. 756.

E. ADDITIONAL CONTROLS OVER THE ALIEN SUBVERSIVE

The foregoing controls relating to the exclusion and deportation of alien subversives under the immigration laws have been augmented from time to time by Congress to provide additional safeguards against activities of aliens considered to be prejudicial to the interests of the United States.

The act of May 22, 1918,[17] as amended by the act of June 21, 1941,[18] authorizes the President, upon finding that the interests of the United States require it, to impose additional restrictions on the entry into and departure of persons from the United States when the United States is at war or during the existence of the national emergency proclaimed by the President on May 27, 1941. By the issuance of Proclamation 2523 on November 14, 1941,[19] the President found the imposition of such additional controls to be required and authorized the promulgation of the necessary regulations by the Secretary of State and the Attorney General jointly. The regulations issued pursuant to that authority specified the classes of aliens whose entry into the United States was deemed prejudicial to the public interest.[20] The excluded classes included generally those aliens whose entry would endanger the public security and safety of the United States, specific reference being made to any alien who belongs to one of the categories of excludables set forth in the act of October 16, 1918. The Attorney General was also authorized to deny an alien a hearing before a board of special inquiry in those cases where he determined that the alien was excludable on the basis of confidential information, the disclosure of which would be prejudicial to the public interest. Those regulations continue in effect as part of the immigration laws, since the national emergency has never been terminated and a state of war still exists.[21]

The act of May 10, 1920,[22] provides that the Attorney General may, in addition to those deportable under other laws, deport a large class of aliens if he finds them to be undesirable residents of the United States. Among those declared to be undesirable are all aliens who since August 1, 1914, have been or may hereafter be convicted of violating the Espionage Act of 1917,[23] as amended, the Explosives Act,[24] Act Restricting Foreign Travel,[25] Act Punishing Injury to War Material,[26] Army Emergency Increase Act,[27] Act Punishing Threats Against the President,[28] Trading with the Enemy Act,[29] and the seditions conspiracy section of the Penal Code.[30]

Through the passage of the Alien Registration Act of 1940,[31] Congress provided criminal penalties for those who engage in subversive activities against any government in the United States. The acts declared to be unlawful are the advocating of the overthrow of

[17] 40 Stat. 559.
[18] 55 Stat. 252.
[19] 3 CFR, 1943, 270-272.
[20] 8 CFR 175.53.
[21] *United States* v. *Shaughnessy* (Supreme Court of United States, Jan. 16, 1950).
[22] 41 Stat. 593.
[23] 40 Stat. 217.
[24] 40 Stat. 385.
[25] 40 Stat. 559.
[26] 40 Stat. 533.
[27] 40 Stat. 80, 884, 955.
[28] 39 Stat. 919.
[29] 40 Stat. 411.
[30] 35 Stat. 1088.
[31] 54 Stat. 670.

any government in the United States by force or violence or the assassination of public officials, activities related to printing, publishing, or distributing printed matter advocating such acts, and the organizing of any organization of persons who advocate such acts.[32]

The Foreign Agents Registration Act of 1938, as amended,[33] requires the registration of certain persons, with certain exceptions, employed by foreign principals, or by domestic agencies subsidized by foreign principals, to engage in propaganda activities, to collect information and report information to the principal, and to otherwise act as agent for the foreign principal as specified. Severe penalties are imposed for failure to register.

Chapter 37 of the Revised Criminal Code [34] provides criminal penalties for those who engage in espionage activities. Those penalties are applicable to aliens who engage in such activities as gathering or transmitting defense information, delivering such information to foreign governments and similar activities endangering the national security.

Under the act of October 17, 1940,[35] as brought forward in the Revised Criminal Code,[36] every organization which is subject to foreign control, as defined in the act, must register with the Attorney General under such regulations as he may prescribe if it engages in political activity or civilian military activity, or if its purpose is the control, seizure, or overthrow of any government in the United States by force. Severe penalties are provided for failure to comply with the registration provisions.

F. APPRAISAL OF EXISTING LAW

One might be easily led to believe from the foregoing survey of the laws relating to the legislative attempts to safeguard the interests of the country against the subversive activities of aliens that the present controls are adequate. It has been seen that under our immigration law, those aliens who are anarchists and those who advocate the overthrow of the Government of the United States or of any government are excluded from admission. Included in that class of excludable aliens are those who are members of or affiliated with organizations which advocate such ideologies, those who write, publish, distribute, or have in their possession publications advocating such ideologies or who are members of or affiliated with associations advocating the same. The law is specific in regard to such persons, and past membership, regardless of its duration and how far in the past, constitutes a ground for exclusion.

Congress, moreover, has not been content with merely excluding from our shores those who would be likely to destroy our freedoms and system of government. Under the existing immigration laws, it has been provided that any alien "who was at the time of entering the United States, or has been at any time thereafter" a member of the excluded classes of subversives shall be subject to arrest and deportation. The law is strict in this respect; the subversive alien is deportable if a member of the class of excludable subversives at any time after entry, whether or not the membership in the class has ceased.

[32] These provisions are now contained in 18 U. S. C., sec. 2385 under the act of June 25, 1948 (62 Stat. 808).
[33] 52 Stat. 631; 53 Stat. 1244; 56 Stat. 248.
[34] Act of June 25, 1948 (62 Stat 636); 18 U. S. C. 791-797.
[35] 54 Stat. 1201.
[36] 62 Stat. 808; 18 U. S. C. 2386.

It may be observed from these apparently rigid attempts to protect this country against the entry of those aliens who would be willing to destroy us that the law in this respect has not been static. Originally, the concern was primarily with the threat presented by the anarchists, but it is clearly discernible that the concern has kept pace with the rise to power in foreign countries of those who follow but one ideology—to subvert the will of the rest of the world to that of their own by resort to force and violence to overthrow any form of representative government. The more recent expressions of this concern are to be found in the act of June 20, 1941,[37] vesting diplomatic and consular officers with the authority to deny the issuance of a visa to any alien who seeks to enter the United States if such officer believes the alien will engage in activities endangering the public safety. By the act of May 25, 1948,[38] such aliens were excluded from admission for the same reason. Thus, Congress in the past has not been loath to erect additional barriers against the entry of subversives.

It has been seen that alien enemies are subject to extraordinary controls in time of war, that the entry and departure of aliens are subject to additional controls when the United States is at war or during the existence of the national emergency proclaimed by the President on May 27, 1941, that agents of foreign principals must register or be subject to criminal penalties, that organizations subject to foreign control which engage in political activities or civilian military activities or if its purpose is the overthrow of any government in the United States by force must register or be subject to criminal penalties, that aliens convicted of espionage are subject to deportation, and that criminal penalties are provided for those convicted of espionage or subversive activities.

The subcommittee, after analyzing the existing laws relating to the control of subversive activities of aliens, concludes that, while the wide coverage of the laws provides many safeguards against such activities, the immigration laws are inadequate in some respects to cope with the problem of subversive aliens under existing world conditions. The subcommittee recognizes that there is a world Communist movement which is a revolutionary movement the purpose of which is the eventual establishment of a Communist totalitarian dictatorship in any or all the countries of the world through the medium of an internationally coordinated Communist political movement and that the supporters of such movement believe in the violent overthrow of existing governments to accomplish the desired end. The establishment of any form of a totalitarian dictatorship is completely inimical to our constitutional form of government, and the subcommittee believes that our immigration laws require strengthening in some respects as a further precaution against the entry of those aliens who would be a risk to the preservation of our fundamental institutions.

The subcommittee has noted that with respect to subversive aliens the immigration laws are inadequate in the following respects:

The classes of excludable subversive aliens as presently constituted include, among others, those persons who advocate the overthrow of the Government of the United States or of any government by force or violence, and those persons who are members of or affiliated with

[37] 55 Stat. 252.
[38] 62 Stat. 268.

organizations which advocate such doctrines. While Congress has clearly prescribed classes of aliens which are to be excluded from admission or deported after admission, there is the obvious difficulty of establishing that certain aliens or organizations do advocate overthrowing the Government by force and violence. It is inherent in the tactics of such persons and organizations that their real intentions be concealed under an aura of legitimacy in order to accomplish their purpose. Thus, while it may be common knowledge that certain organizations advocate such beliefs, satisfactory proof of that position offers a formidable obstacle. The evidence developed by the subcommittee should remove any doubt that the Communist Party advocates the overthrow of the Government by force or violence in order to consummate its plan of a world-wide Communist totalitarian dictatorship. Yet, membership in the Communist Party, without positive proof that it so advocates the overthrow of government by force or violence, is insufficient grounds for deporting such an alien member.

Another inadequacy of the present excludable and deportable classes is that no real protection is afforded against those persons who are members of Communist-front organizations which, while they do not openly profess to follow the Communist party line, are constituent elements in the world Communist organization. Through the operation of Communist-front organizations, the Communist movement has been able to obtain substantial financial and other support, and the operations of such organizations are inimical to the interests of the United States. However, since by the very nature of such organizations their true purpose is concealed, it is difficult to prove that alien members fall within the proscribed excludable class of those who advocate the overthrow of government by force and violence.

It has been traditional in this country to welcome those aliens who seek to visit within our boundaries temporarily and few restrictions have been imposed on such aliens. Consistent with the law of nations and the laws of comity as this country has respected them, we have been, in the past, most cordial in extending privileges and exemptions to foreign government officials and international organizations, officials, representatives, and employees. Those classes of aliens, including their families, are not subject to the exclusion provisions of the immigration laws, and similarly, in most instances, are not subject to be deported except in accordance with diplomatic custom. The investigations of the subcommittee indicate that the privileges conferred upon such persons have been subject to abuse and have been used as a means of fostering the subversive activities of foreign powers. The composition of such classes of aliens needs to be reviewed to determine whether the safety and security of the United States requires that some of the exemptions be restricted or rescinded altogether.

A bill which seeks to remove these inadequacies from, and otherwise strengthen, the immigration laws relating to the entry and departure of subversive aliens was introduced in the Senate by Senator McCarran on May 11, 1949 (S. 1832, 81st Cong.), and has been referred to the subcommittee for consideration. Under the proposed bill no consular or diplomatic officer shall issue a visa or other travel document to an alien who seeks to enter the United States for the purpose of (1) obtaining or transmitting information, not available to the public generally,

respecting the national security; (2) engaging in any activity a purpose of which is the overthrow of the Government of the United States by force or violence; or (3) organizing, aiding in any manner whatsoever, joining, associating with, or participating in the activities of any organization designated by the Attorney General as subversive. The Attorney General is directed to exclude from admission and to deport aliens engaging in such subversive activities. Determinations of fact by the Attorney General in such cases would not be reviewable by any court, determinations of law concerning exclusions would not be reviewable by any court, and determinations of law concerning the deportation of aliens would be reviewable only through the writ of habeas corpus. The bill provides, further, that the provisions of the seventh, ninth, and tenth provisos to section 3 of the act of February 5, 1917,[39] relating to the waiver of the exclusion provisions in certain cases and to the specific exemption of accredited officials of foreign governments, shall not be applicable in the case of those aliens classified as subversive under the bill. The broad effect of the proposed bill is to exclude from admission and to permit deportation of any alien within the proscribed categories.

G. CONCLUSIONS AND RECOMMENDATIONS

The subcommittee believes that the results of the investigations into the subversive activities of aliens clearly demonstrate that there is need for imposing additional immigration restrictions with respect to the admission, stay, and departure of those aliens who it is believed seek to enter the United States to engage in activities subversive to the national security. The subcommittee cannot sidestep the convincing evidence of the existence of a world Communist movement which in essence is a revolutionary political movement having as its purpose the eventual establishment of a Communist totalitarian dictatorship in any or all the countries of the world and that the direction and control of the world Communist movement is in the hands of a Communist dictatorship of a foreign country. The establishment of a totalitarian dictatorship results in the suppression of all opposition to the party in power and the denial of all the fundamental rights and liberties which are characteristic of our representative form of government. Therefore, the subcommittee believes that additional steps should be taken to exclude from admission and to deport after admission those aliens who are members of or affiliated with the Communist Party or any other totalitarian party or who are members of any front organizations which are constituent elements of such parties.

It is well established by decisions of the Supreme Court that every sovereign nation has the power, inherent in its sovereignty, to forbid the entrance of aliens or to admit them upon such conditions as it may prescribe.[40] A corollary to that essential power for its self-preservation is the inherent power of a sovereign nation to deport aliens.[41] The authority of the Congress over the admission of aliens is plenary, and it may exclude them altogether or prescribe the terms and conditions upon which they may enter and remain in the country.[42] The subcommittee, therefore, does not hesitate to recommend the

[39] 39 Stat. 874, 875.
[40] *United States ex rel. Knauff* v. *Shaughnessy* (Supreme Court, Jan. 16, 1950); *Nishimura Ekiu* v. *United States*, 142 U. S. 651 (1892).
[41] See *Tiaco* v. *Forbes*, 228 U. S. 549 (1913).
[42] See *Lapina* v. *Williams*, 232 U. S. 78 (1914); *Wong Wing* v. *United States*, 163 U. S. 228 (1896).

imposition of additional restrictions on alien subversives with respect to their entry and their remaining in this country.

The subcommittee recommends that aliens who are members of or affiliated with the Communist Party or any other totalitarian party should be proscribed as an excludable class of aliens. This is to be accomplished in the proposed legislation by adding a new class of excludables which includes aliens who are members of or affiliated with the Communist Party of the United States, any other totalitarian party of the United States, the Communist Political Association, or the Communist or other totalitarian party of any State of the United States, of any foreign state, or of any political or geographical subdivision of any foreign state. The proscribed class includes aliens who are members of or affiliated with any section, subsidiary, branch, affiliate, or subdivision of any of the foregoing parties or associations or the direct predecessors or successors thereof, regardless of what name such party may have used, may now bear, or may hereafter adopt. An alien who at any time shall be or shall have been a member of that class of excludables, irrespective of the date of his entry, shall be excluded and, if admitted, shall be deported. The subcommittee intends that the class shall include all aliens who are, have been, or may hereafter become members of or affiliated with the Communist or other totalitarian parties, and the language of the bill is so drawn as to proscribe such persons regardless of whether any proscribed party may change its name to avoid the consequences of the provision. The proscription of the Communist Party and its affiliates by name is not to be construed as a declaration that the Communist Party does not advocate the overthrow of the Government by force and violence.

In addition to those who are members of or affiliated with Communist or other totalitarian parties, the subcommittee recommends that those aliens who advocate or who are members of organizations that advocate the economic, international, and governmental doctrines of world communism or the economic and governmental doctrines of any other form of totalitarianism be proscribed as an excludable class of aliens. The proposed legislation accomplished this by adding a new class of excluded aliens. The proscribed classes of organizations, affiliation with which subjects the alien to exclusion and deportation, include those that advocate such doctrines either through their own utterances or through any publication issued or published by or with the consent of or with the funds of such organizations. Past membership, as well as present, subjects the alien to exclusion and deportation.

The subcommittee also believes that the security of the Nation requires the exclusion of those aliens who are members of the front organizations which, while not openly professing to advocate subversive doctrines, conceal that real purpose behind a cloak of legitimacy. Accordingly, a new class of excludables is created in the proposed legislation to include aliens who are members of any organization which the Attorney General pursuant to authority granted elsewhere in the bill has designated or shall hereafter designate as Communist, totalitarian, Fascist, subversive to the national security, or as having adopted a policy of advocating or approving the commission of acts of force or violence or other unconstitutional means to deny others their rights under the Constitution of the United States or as seeking to alter the form of government of the United States by unconstitutional means. Such aliens are not to be excluded under the provision if they are able to establish to the satisfaction of the con-

sular officer or immigration officer that at the time they became members of such organizations they did not know that the organizations advocated such doctrines and that they did not acquire such knowledge prior to the designation by the Attorney General. This escape clause is included to protect the innocent joiner. Past, as well as present, membership subjects the alien to exclusion or deportation. The Attorney General is to publish, at least once in each year, the list of those organizations he deems to be subversive.

The subcommittee is of the opinion that in addition to those classes of excludable aliens which embrace those persons who advocate subversive doctrines or who are members of organizations advocating such beliefs, wider discretion should be granted to those charged with administering the laws relating to the entry of aliens into this country to deny admission to those aliens who are known or there is reason to believe will, or would be likely, to engage in any activity subversive to the national security; to engage in any activity a purpose of which is opposition to, or control or overthrow of, the Government of the United States by force or violence; or to organize, join, or participate in the activities of any foreign or domestic organization which the Attorney General has designated as subversive in accordance with the provisions of the proposed bill. Vast numbers of aliens seek to enter this country annually, and the subcommittee believes that the best interests of this country require that we deny admission to poor security risks who are likely to engage in any of the subversive activities enumerated above, and that they be deported for engaging in any such activities after entry.

By proscribing the foregoing additional classes of excludable aliens, the subcommittee believes that our immigration laws will be greatly strengthened as a means of barring from this country those persons who bring with them their subversive ideologies and those who would engage in activities subversive to the national security. By proscribing such aliens as deportables, it will be far easier to remove such undesirables from the country. Coupled with the contraction of those classes of foreign government officials and international organizations representatives, and officials and employees entitled to broad exemptions under the present immigration laws, and the tightening of the restrictions on the temporary leave of alien seamen as discussed in chapter V, the proposed changes offer a more realistic approach to the problem of excluding the subversive aliens from admission.

So far as foreign government officials and international organizations representatives, officials, and employees are concerned, they are to be accorded somewhat different treatment than at present, with respect to those provisions relating to the exclusion and deportation of aliens whose entry is deemed to endanger the public safety or to be subversive to the national security. Ambassadors, public ministers, and career diplomatic or consular officers are not to be subjected to such restrictions so long as they maintain the status under which admitted, except that they may be denied issuance of visa or admission where it is known that they seek to enter the United States to engage in activities prejudicial to the public interest or which will endanger the public welfare or safety. Consistent with Constitutional limitations, such authority may be exercised only under such rules and regulations as the President deems to be necessary. All other such aliens, including their attendants, servants, and personal employees, are subject to exclusion if they seek to enter the United States to

engage in activities which it is believed will be prejudicial to the public interest or will endanger the public welfare or safety. Such other aliens, except principal resident representatives of foreign government members of international organizations, accredited resident members of their staffs, and members of their families, are also subject to exclusion if it is known or there is reason to believe that they seek to enter the United States to engage in activities considered to be subversive to the national security. Those classes of aliens also become subject to deportation if they engage in such activities after entering the country. By limiting the exemptions previously enjoyed by such aliens, it is believed that the opportunity of subversive aliens to enter under the cloak of diplomatic immunities will be eliminated. Such action is not inconsistent with the obligations assumed by this Government under the headquarters agreement, as the right to safeguard its own security was expressly reserved by the United States under section 6 of annex 2 to that agreement.

While the subcommittee recognizes that it may be desirable in certain cases to vest the Secretary of State with authority to grant asylum to foreign government officials or international organizations representatives, officials, or employees who have fallen into disfavor with their government, it is believed that considerations of the safety and security of the United States require a limitation of that power. Accordingly, it is recommended that the deportation of such aliens for failure to maintain the status under which they were admitted shall be subject to the prior approval of the Secretary of State only in the case of ambassadors, public ministers, and career diplomatic and consular officers and certain principal resident representatives of foreign governments to international organizations, and that the privilege shall not be extended to those persons if they are deportable as subversives.

The subcommittee recognizes that in some cases the decision that an alien is subject to exclusion under one of the subversive categories of excludables must be based on confidential information the disclosure of which would be prejudicial to the interests of the United States. To safeguard against such disclosure, it is deemed necessary to provide that where an alien appears to the examining immigration officer at a port of entry to be excludable as a subversive, such alien shall be temporarily excluded and the case shall be reported to the Commissioner. The Commissioner may direct further inquiry by a special inquiry officer, but if he is satisfied that the alien is excludable on the basis of confidential information and that it would be prejudicial to the interests of the United States to disclose such information, he may deny any further inquiry and order the alien to be excluded and deported.

The adoption of these recommendations will considerably strengthen the safeguards against the entry of subversive aliens and their continued residence in this country. The classes of aliens deemed undesirable because of their subversive characteristics have been enlarged and clarified. The aliens who fall within the proscribed classes are subject to exclusion whether they are presently members of such classes or have been members of such classes in the past. Aliens may be deported at any time after entry if they become members of such classes or if they have ever been members of such classes and such membership has ceased either before or after entry. Those restrictions provide complete controls for the exclusion or deportation of alien subversives.

PART 4

APPENDICES

APPENDIX I

RESOLUTIONS AUTHORIZING THE SENATE COMMITTEE ON THE JUDICIARY TO INVESTIGATE THE IMMIGRATION AND NATURALIZATION SYSTEMS OF THE UNITED STATES

SENATE RESOLUTION 137, EIGHTIETH CONGRESS, FIRST SESSION

Resolved, That the Senate Committee on the Judiciary, or any duly authorized subcommittee thereof, is authorized to make a full and complete investigation of our entire immigration system, including, but not limited to, (1) the history and development of our immigration policy; (2) the administration of our immigration and deportation laws, and practices thereunder; (3) the extent, if any, to which aliens have entered the United States in violation or circumvention of such laws, and the extent, if any, to which aliens have been permitted to remain or have remained in the United States in violation or circumvention of such laws; (4) the situation with respect to displaced persons in Europe and all aspects of the displaced-persons problem; and (5) the effect upon this country of any change in the immigration laws.

SEC. 2. The committee shall make a report of its findings to the Senate at the earliest practicable date, but in no event later than March 1, 1948, together with such recommendations for changes in the immigration and naturalization laws as it may deem advisable: *Provided, however*, That the committee shall report its findings and recommendations in a separate report with respect to displaced persons in Europe on or before January 10, 1948.

SEC. 3. For the purposes of this resolution, the committee or any duly authorized subcommittee thereof, is authorized during the sessions, recesses, and adjourned periods of the Eightieth Congress, to employ upon a temporary basis such technical, clerical, and other assistants as it deems advisable. The expenses of the committee under this resolution, which shall not exceed $50,000, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

SENATE RESOLUTION 178, EIGHTIETH CONGRESS, FIRST SESSION

Resolved, That S. Res. 137 of the Eightieth Congress, first session, is amended by striking out the word and figures "January 10, 1948", on page 2, section 2, line 12, and inserting in lieu thereof the following word and figures: "February 10, 1948".

SENATE RESOLUTION 236, EIGHTIETH CONGRESS, SECOND SESSION

Resolved, That the authority of the Committee on the Judiciary, or any duly authorized subcommittee thereof, under S. Res. 137, of the Eightieth Congress, agreed to July 26, 1947 (providing for a full and complete investigation of our entire immigration system), is hereby continued until March 1, 1949, and the limit of expenditures under such resolution is hereby increased by $50,000.

SENATE RESOLUTION 40, EIGHTY-FIRST CONGRESS, FIRST SESSION

Resolved, That the authority of the Committee on the Judiciary, or any duly authorized subcommittee thereof, under S. Res. 137, of the Eightieth Congress, agreed to July 26, 1947 (providing for a full and complete investigation of our entire immigration system), is hereby continued until March 1, 1950, and the limit of expenditures under such resolution is hereby increased by $135,000.

APPENDIX II

SYNOPSIS OF THE PRINCIPAL RECOMMENDATIONS FOR CHANGES IN THE IMMIGRATION AND NATURALIZATION LAWS

The extensive study of our immigration and naturalization laws has resulted in the numerous recommendations made in the foregoing report and incorporated in the bill which accompanies the report. One of the major and important determinations made by the subcommittee was that our immigration and naturalization laws should be treated as a unit, and made the subject of one omnibus bill, consisting of four titles, as follows:

Title I—General
Title II—Immigration
Title III—Naturalization
Title IV—Miscellaneous

This synopsis does not propose to be an exhaustive or comprehensive survey of all of the changes proposed in the bill, but does propose to set out briefly the principal and most important and significant changes contained in the bill.

TITLE I—GENERAL

This title contains the definitions used in all other titles of the bill; provides general authorization to the Commissioner to administer and enforce the proposed act as it relates to the Service; sets up a Bureau of Passports and Visas in the Department of State, to replace the Visa Division and the Passport Division, as now constituted in that Department; authorizes liaison between the Commissioner, the Director of the Bureau of Passports and Visas, the Federal Bureau of Investigation, and the Central Intelligence Agency; and more closely defines the scope of judicial review on administrative actions and decision, than is done under existing law.

TITLE II—IMMIGRATION

This title, embodying the proposed law relating to immigration of aliens to the United States, their status while in the United States, and the methods and procedures to be followed in effecting their departure, either voluntarily or by deportation, combines the basic principles of the 1917 and 1924 Immigration Acts with the amendments and revisions considered necessary and desirable to a complete revision and codification of our immigration laws.

1. Classes of aliens prohibited from entering the United States

The excludable classes have been enlarged by addition of the following classes of aliens who would be denied admission: Homosexuals and sex perverts; persons convicted of two or more crimes, whether or not

involving moral turpitude, if the aggregate possible confinement exceeded 1 year; aliens seeking to enter solely, principally or incidentally to engage in any illicit sexual act or any other immoral act; aliens seeking to enter the United States to perform services or labor unless authorized by the Commissioner to enter for such purpose; aliens who seek to procure or who have procured a visa or other documentation, or who seek to enter, by fraud, false claim or by willful misrepresentation of a material fact; aliens not possessed of a valid immigrant visa or other valid entry document; nonimmigrants not in possession of a passport and nonimmigrant visa; aliens convicted of narcotic law violations; and subversive aliens in a class more widely proscribed and defined.

2. Classes of persons who may enter the United States

The exemptions to restrictions on entry, embodied in the "provisos" of section 3 of the 1917 act, are retained, modified, changed, or repealed, as follows:

(*a*) The only class of persons exempt from the literacy requirements would be those persons lawfully admitted as permanent residents who are returning from a temporary visit abroad.

(*b*) Persons whose only ground for exclusion is conviction of a purely political offense would be continued in an excepted status.

(*c*) The classes of persons (1) whose passage is paid for by a corporation or organization, or (2) who are skilled laborers, or (3) who are artists, or (4) who are conducting fairs or special exhibitions would be removed from excepted classes and their entry would be permitted under general provisions of the law.

(*d*) Persons returning from a temporary visit abroad to an unrelinquished United States domicile of seven consecutive years, in order to be admitted would have to prove that the said domicile consisted of actual physical presence in the United States and was not merely presumptive residence.

(*e*) The two classes of persons presently excepted from exclusion, namely foreign-government and international-organization officials, and those admitted in the discretion of the Commissioner, would be continued as exempt from exclusion.

The President is given the power to suspend or restrict entry of any alien or class of aliens whose admission he finds to be detrimental to the interests of the United States.

3. Nonimmigrant classes

The nonimmigrant classes are more closely and exactly defined. Students would be placed in this category, rather than in the nonquota class, since they are admitted for temporary periods only. A new nonimmigrant class is created to include persons entering temporarily to perform services of exceptional merit and ability or services requiring lesser ability of a seasonal nature, where unemployed labor capable of performing such services cannot be found in the United States.

4. The quota system

The quota system of the 1924 act is simplified and continued, but racial restrictions to immigration are removed and a quota system for the Asiatic-Pacific area, known as the "Asia-Pacific Triangle" would govern immigration from that area where present immigration

law prohibits immigration. Each quota area would have a minimum quota of 100, with reallocation of minimum quotas after 50 minimum-quota areas throughout the world have been established.

Quota visas under the quota system would be issued on a selective basis, with allotments as follows: 30 percent to immigrants urgently needed in the United States because of education, technical training, specialized experience, or exceptional ability; 50 percent to qualified immigrants who are the parents of United States citizens 21 years of age or over; 20 percent to qualified immigrants who are the spouses or children of resident aliens legally admitted for permanent residence. Individual quotas not used, up to 10 percent of each annual quota, would be available to other qualified quota immigrants, with first preference of not more than one-half of such 10 percent going to brothers and sisters of United States citizens.

Visas issued would be revocable by consular officers or the Director at any time, and the duration of nonimmigrant visas would be on a basis of reciprocity with foreign countries. The power of the consul to refuse to issue visas is extended to cover all grounds for which an alien could be excluded at a port of entry. Physical and mental examinations of arriving aliens and immigration inspection would be conducted by one medical officer and by one immigration officer, respectively, rather than by two, as at present.

5. Detention and deportation of aliens

Detention expenses would not be assessed against the vessel or aircraft if the alien brought by such vessel or aircraft was in possession of an unexpired visa issued by a consular officer within 60 days of the alien's foreign embarkation.

In exclusion proceedings, boards of special inquiry are replaced by a special inquiry officer, from whose adverse decision the alien could appeal to the Commissioner. In expulsion proceedings, before a warrant of deportation can issue, a finding of deportability must be made after a proceeding before a special inquiry officer.

Crewmen on vessels and aircraft would be detained until permission to land is granted. If permitted to land, the landing permission may be revoked and the crewmen returned to the vessel or aircraft. It would be unlawful for a master or commanding officer of a vessel or aircraft to pay off or discharge any crewman without first obtaining permission to do so from the proper immigration officers.

A penalty for harboring an alien is provided, in addition to the present penalty for bringing in aliens not duly admitted by immigration officers.

The Alien Registration Act of 1940 is brought forward, with the additional requirement that the alien report to the Commissioner his place of residence on January 1, 1951, and within 10 days after each January 1 thereafter.

The present classification of deportable alien has been enlarged to include (1) an alien convicted of crime and who the Commissioner concludes is an undesirable resident of the United States; and (2) an alien who has been convicted of violation of *any* law pertaining to narcotics.

If an alien could not be deported within 6 months after issuance of an order of deportation, the Commissioner could place the alien under supervision, or, in the case of an alien deportable on criminal or sub-

versive grounds, could place such alien in detention, pending eventual deportation. The Commissioner is given more latitude in directing the country to which such alien might be deported.

The Commissioner is given authority to suspend deportation of any alien who has resided in the United States for a specified period of time, who can show good moral character for such period and whose deportation would result in extreme and unusual hardship. The suspension, however, is subject to review by Congress, and could not be effected without congressional approval of the suspension. Under certain conditions an alien admitted as a nonimmigrant could have his status adjusted to that of an alien lawfully admitted for permanent residence. In both suspension and adjustment cases, however, quota charges would have to be made either against current or future quotas. Any adjustment of status could be rescinded at the Commissioner's discretion if he later found the alien was not eligible for such adjustment.

6. Fees and miscellaneous provisions

Fees are raised to compensate for the increased costs of the services rendered in issuing immigrant visas, reentry permits, applications for adjustment of status, and extensions of stay. Nonimmigrant visa fees would be prescribed by the Director on a reciprocal basis, corresponding to similar fees charged our nationals by foreign countries.

The Commissioner is authorized to obtain information regarding any alien in the United States from any Government department or agency when such information is required for the enforcement of the immigration laws. An alien would be entitled to counsel in all proceedings before a special inquiry officer and on any appeal therefrom.

One basic principle incorporated in the bill is that which eliminates inequalities between the sexes in all rights and privileges extended to aliens or to citizens from whom such aliens may claim special consideration based on family relationship.

TITLE III—NATIONALITY AND NATURALIZATION

This title, relating to qualifications for and acquisition of citizenship, and loss of and regaining of United States nationality, follows the general pattern set out in the Nationality Act of 1940, as amended, and the changes proposed in this title are for the purpose of strengthening the operation of our naturalization laws and of conforming them to the immigration law proposed in title II.

1. Qualifications for citizenship

Probably the most far-reaching proposal under the general provisions for eligibility for citizenship is that which would eliminate racial bars to naturalization. The bill removes the last racial barrier, both to immigration and naturalization.

The present provision that a person must be able to speak English before becoming a naturalized citizen is changed by the bill, to require that such a person be able also to read and write English, and that he be grounded in the principles and form of our Government.

The present requirement that a person reside 5 years in the United States before naturalization is subject to many exceptions. The bill eliminates all but a very few of these exceptions, and thus makes most

aliens subject to the 5-year residence requirement, and in most cases requires that the residence be actual physical presence.

With regard to good moral character, attachment to the principles of the Constitution, and similar requirements of existing law, all of which are continued in the bill, the additional requirement is made that the alien have a knowledge and understanding of the fundamentals of the history, and of the principles and form of government of the United States. The bill also redefines the proscribed subversive classes of persons who may not be naturalized.

2. Procedures relating to naturalization

The declaration of intention and the provisions that a petition for naturalization be supported by the testimony of two witnesses are both omitted from the bill. In their stead provision is made for a so-called "neighborhood investigation" of each and every petitioner for naturalization. This investigation will cover the conduct, character, and activities of the petitioner in the place or places of his residence and work for at least 5 years preceding his naturalization. Provision is also made which would allow the court and the Service to go beyond the present 5-year limit in ascertaining good moral character and similar prerequisites to naturalization.

This title also requires a petitioner for naturalization to take an oath to bear arms in defense of the United States when called upon by law to do so. Exception is made for persons who by reason of religious training and belief cannot in good conscience take this oath, and such persons will be allowed to take an oath to serve in a noncombatant capacity in the armed forces.

3. Loss of or revocation of citizenship

Numerous changes are proposed in the manner and the extent to which citizenship may be lost. One of the basic provisions of the bill is that which requires a person having dual nationality, either to divest himself of his foreign nationality or forfeit his American citizenship. The classes of persons who may live abroad after naturalization without thereby losing their American citizenship have been redefined with the purpose in mind of doing everything possible to prevent such dual citizenship, and to allow foreign residence in certain equitable cases.

Another proposal involving a basic change is that relating to revocation of nationality by judicial process. The ground on which such revocation is based is changed from fraud or illegality in procurement, to concealment of a material fact or willful misrepresentation in procurement of naturalization. Special provision 13 made for revocation of naturalization of a person who within 5 years thereof places himself in the class of persons proscribed as subversive.

4. Regaining American citizenship

A limited time is provided in certain cases allowing persons who have heretofore expatriated themselves either through their own act or through the loss of citizenship by their parents, to reenter the United States for the purpose of regaining their lost citizenship. The persons who may so regain citizenship are women who lost citizenship by marriage to an alien, children who have lost citizenship through the expatriation of their parents, persons who have

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served in allied armed forces, and deserters from the armed forces of the United States who have subsequently been permitted to reenlist. In all of these cases the general provisions of the existing law have been carried forward with, however, certain restrictive provisions which are designed to make the new law definite and unambiguous.

5. Miscellaneous

One significant and far-reaching proposal is that which would restrict the right of a person who is denied American nationality by an agency or department of the Government from bringing a declaratory judgment to have his citizenship status determined. Under present law such a person may bring such an action whether he is within the United States or abroad. The bill restricts this privilege to those who are within the United States.

The bill raises the fees charged by the Commissioner and by the court in naturalization proceedings to bring them in line with present-day costs.

TITLE IV—MISCELLANEOUS

This title provides for amending other provisions of existing law affected by the proposed bill; repeals existing immigration and naturalization laws and acts amendatory thereto; authorizes appropriation of funds to implement the proposed act; and contains the usual separability clause.

APPENDIX III

STATISTICS ON INTERNATIONAL MIGRATIONS

TABLE 1.—*Estimated world Jewish population*

Area	1939	1947
United States and Canada	[1] 4, 965, 620	5, 176, 500
South and Central America	524, 000	578, 000
Europe	9, 739, 200	3, 920, 100
Asia	771, 500	917, 500
Australia	33, 000	35, 000
Africa	609, 800	639, 500
Total	16, 643, 120	11, 266, 600

[1] The Jewish population of Canada was 165,620 in 1939 and 176,500 in 1945, according to the estimates of the Canadian Jewish Congress.

Source: American-Jewish Year Book—1947–48, p. 737.

TABLE 2.—*Number of Chinese residing abroad, 1922*

Annam	197, 300	Korea	11, 300
Australia	35, 000	Macao	74, 560
Brazil	20, 000	Mexico	3, 000
Burma	134, 600	Peru	45, 000
Canada	12, 000	Philippines	55, 212
Cuba	90, 000	Siam	1, 500, 000
East Indies	1, 023, 500	Siberia	37, 000
Europe	1, 760	Straits Settlements	432, 764
Formosa	2, 258, 650	South Africa	5, 000
Hawaii	23, 507	Continental United States	61, 639
Hongkong	314, 390		
Japan	17, 700	Total	8, 179, 582
Java	1, 825, 700		

Source: Maurice R. Davie, World Immigration (1936), p. 308.

TABLE 3.—*Emigration from Japan by destination, 1885 to 1924*

Destination	Number			Percent		
	1885 to 1907	1908 to 1924	1885 to 1924	1885 to 1907	1908 to 1924	1885 to 1924
Asiatic Russia	59, 273	243, 673	302, 946	10. 9	37. 9	25. 6
Hawaii	178, 927	59, 831	238, 758	33. 1	9. 3	20. 2
United States	72, 545	123, 998	196, 543	13. 5	19. 2	16. 6
China	58, 388	46, 870	105, 258	10. 8	7. 3	8. 9
Canada	10, 513	19, 278	29, 791	2. 0	3. 0	2. 5
Brazil	34	25, 913	25, 947	0	4. 0	2. 2
Philippines	2, 175	19, 148	21, 323	. 4	3. 0	1. 8
Peru	1, 108	19, 876	20, 984	. 2	3. 1	1. 8
Korea	72, 027	.....	(72, 027)	13. 3	.....	(6. 1)
Australia	7, 540	.....	(7, 540)	1. 5	.....	(. 6)
Other countries	77, 161	84, 667	161, 828	14. 3	13. 2	13. 7
Total	539, 691	643, 254	1, 182, 945	100. 0	100. 0	100. 0

Source: Maurice R. Davie, World Immigration (1936), p. 319.

TABLE 4.—*Asiatic Indians resident abroad, 1921 or later years*

Ceylon	1,405,000	Fiji	61,000
Malaya	472,000	United States	5,000
Mauritius	266,000	Australian Commonwealth	2,000
South Africa	161,000	New Zealand	2,000
West Indies	147,000	Hongkong	1,000
British Guiana	125,000	Canada	1,200
England and Wales	74,000	Egypt	1,000
Scotland	8,000	Japan	200
East Africa	65,000		

Source: Maurice R. Davie, World Immigration (1936), pp. 338-339.

TABLE 5.—*Percentage composition of immigration to principal immigrant-receiving countries*

Emigrated from—	Percentage of immigrants to—				
	United States	Canada	Australia	Argentina	Brazil
Britain	11.1	37.0	80.5	1.0	
Ireland	11.6				
Germany	15.6			2.0	4.5
Scandinavia	6.2				
Austria-Hungary	10.5				
Russia	8.5				
Italy	12.0			47.4	34.0
Others	16.5	26.0	3.2	13.3	18.5
Canada	8.0				
United States		37.0			
Other European			8.3		
New Zealand			4.5		
Asiatic			3.5		
France				4.0	
Spain				32.3	14.0
Portugal					29.0

Source: National Committee on Immigration Policy, International Migration and One World (1948), p. 41.

TABLE 6.—*Immigrant arrivals in Canada, 1881 to 1946*

Period	Immigrants arriving from—			
	United Kingdom	United States	Other countries	Totals
1881 to 1890	280,773	526,974	78,430	886,177
1891 to 1900	146,450	84,535	90,317	321,302
1901 to 1910	562,054	496,959	394,378	1,453,391
1911 to 1920	687,215	821,490	466,738	1,975,443
1921 to 1930	534,535	261,847	497,565	1,293,947
1931 to 1940	56,451	92,761	82,688	231,900
1941 to 1946 (six years)	42,087	35,090	6,056	83,233
Total	2,309,565	2,319,656	1,616,712	6,245,393

Source: Canadian Year Book and other sources.

TABLE 7.—*Overseas migration to Australia, 1901 to 1930*

Period	Arrivals	Departures	Net immigration
1901 to 1905	281,160	297,953	[1] −16,793
1906 to 1910	371,034	313,756	57,278
1911 to 1915	632,820	495,958	136,862
1916 to 1920	539,485	468,776	70,709
1921 to 1925	478,052	305,729	172,323
1926 to 1930	470,480	354,549	115,931
Total	2,773,031	2,236,721	536,310

[1] Net loss.

Source: Maurice R. Davie, World Immigration (1936), p. 427.

TABLE 8.—*Immigration to Brazil, by nationalities, 1884 to 1941*

Nationality:	*Number*	Nationality—Continued	*Number*
Italians	1,412,763	Letts	28,690
Portugese	1,221,908	British	24,090
Spaniards	582,252	Yugoslavs	22,877
Japanese	188,615	Argentinians	20,575
Germans	172,253	Swiss	20,522
Russians	108,161	Syrians	10,513
Austrians	85,832	All other	89,127
Turks	78,476		
Poles	48,558	Total, all nationalities	4,187,096
Rumanians	39,195		
French	32,689		

Source: United Nations Economic and Social Council, Document E/REF/75 (1946).

TABLE 9.—*Overseas immigrants to Argentina, by nationality, number, and percent, 1857 to 1926*

Nationality	Number	Percent	Nationality	Number	Percent
Italians	2,718,000	47.4	Poles	48,000	0.8
Spaniards	1,853,000	32.3	Portuguese	43,000	.7
French	229,000	4.0	Swiss	38,000	.7
Russians	172,000	3.0	Belgians	25,000	.4
Ottomans, Turks	169,000	2.9	Yugoslavs	15,000	.3
Germans	111,000	1.9	Danes	14,000	.2
Austro-Hungarians	94,000	1.7	Czechoslovaks	12,000	.2
British	66,000	1.2	Others	134,000	2.3

Source: Walter F. Willcox, International Migrations (1931), vol. II, p. 153.

TABLE 10.—*Argentina: Overseas immigrants and emigrants, and balance, by decades, 1857 to 1926*

Periods	Immigration	Emigration	Balance
1857 to 1860	20,000	9,000	11,000
1861 to 1870	160,000	83,000	77,000
1871 to 1880	261,000	176,000	85,000
1881 to 1890	841,000	203,000	638,000
1891 to 1900	648,000	328,000	320,000
1901 to 1910	1,764,000	644,000	1,120,000
1911 to 1920	1,205,000	936,000	269,000
1921 to 1926	843,000	289,000	554,000
1857 to 1926	5,742,000	2,668,000	3,074,000

Source: Walter F. Willcox, International Migrations (1931), vol. II, p. 147.

APPENDIX IV

SOURCES OF UNITED STATES POPULATION

TABLE 1.—*Immigration to United States by selected countries, 1820 to 1946*

Country	Number	Percent
Germany	6,031,385	15.6
Italy	4,722,794	12.2
Ireland	4,594,983	11.9
Great Britain (including England, Scotland, Wales)	4,302,597	11.2
Austria-Hungary	4,144,686	10.7
Russia	3,343,611	8.7
Canada—Newfoundland	3,080,578	8.0
Sweden	1,218,975	3.2
Asia (China, Japan, Turkey)	923,540	2.4
Mexico	808,075	2.1
Norway	805,803	2.1
France	611,726	1.6
Other (including other nonquota countries)	3,981,364	10.3

Source: Immigration and Naturalization Service.

TABLE 2.—*Immigration by country, for decades, 1820 to 1949* [1]

[NOTE: From 1820 to 1867 figures represent alien passengers arrived; 1868 to 1891 inclusive and 1895 to 1897 inclusive, immigrant aliens arrived; 1892 to 1894 inclusive and from 1898 to the present time, immigrant aliens admitted. Data for years prior to 1906 relate to country whence alien came; thereafter to country of last permanent residence. Because of changes in boundaries and changes in lists of countries, data for certain countries are not comparable throughout.]

Countries	1820	1821-30	1831-40	1841-50	1851-60	1861-70
All countries	8,385	143,439	599,125	1,713,251	2,598,214	2,314,824
Europe	7,691	98,817	495,688	1,597,501	2,452,660	2,065,270
Austria-Hungary [2]						7,800
Belgium	1	27	22	5,074	4,738	6,734
Denmark	20	169	1,063	539	3,749	17,094
France	371	8,497	45,575	77,262	76,358	35,986
Germany [3]	968	6,761	152,454	434,626	951,667	787,468
Great Britain:						
England	1,782	14,055	7,611	32,092	247,125	222,277
Scotland	268	2,912	2,667	3,712	38,331	38,769
Wales		170	185	1,261	6,319	4,313
Not specified [3]	360	7,942	65,347	229,979	132,199	341,537
Greece		20	49	16	31	72
Ireland	3,614	50,724	207,381	780,719	914,119	435,778
Italy	30	409	2,253	1,870	9,231	11,725
Netherlands	49	1,078	1,412	8,251	10,789	9,102
Norway [4]	3	91	1,201	13,903	20,931	71,631
Sweden [4]						37,667
Poland [5]	5	16	369	105	1,164	2,027
Portugal	35	145	829	550	1,055	2,658
Spain	139	2,477	2,125	2,209	9,298	6,697
Switzerland	31	3,226	4,821	4,644	25,011	23,286
Turkey in Europe	1	20	7	59	83	129
Union of Soviet Socialist Republics [6]	14	75	277	551	457	2,512
Other Europe		3	40	79	5	8
Asia	5	10	48	82	41,455	64,630
China	1	2	8	35	41,397	64,301
India	1	8	39	36	43	69
Japan [7]						186
Turkey in Asia [8]						2
Other Asia	3		1	11	15	72

See footnotes at end of table, p. 816.

TABLE 2.—*Immigration by country, for decades, 1820 to 1949* [1]—Continued

Countries	1820	1821-30	1831-40	1841-50	1851-60	1861-70
America	387	11,564	33,424	62,469	74,720	166,607
Canada and Newfoundland [9]	209	2,277	13,624	41,723	59,309	153,878
Mexico [10]	1	4,817	6,599	3,271	3,078	2,191
West Indies	164	3,834	12,301	13,528	10,660	9,046
Central America	2	105	44	368	449	95
South America	11	531	856	3,579	1,224	1,397
Africa	1	16	54	55	210	312
Australia and New Zealand						36
Not specified	301	33,032	69,911	53,144	29,169	17,969

Countries	1871-80	1881-90	1891-1900	1901-10	1911-20
All countries	2,812,191	5,246,613	3,687,564	8,795,386	5,735,811
Europe	2,272,262	4,737,046	3,558,978	8,136,016	4,376,564
Austria	72,969	353,719	592,707	2,145,266	453,649
Hungary [2]					442,693
Belgium	7,221	20,177	18,167	41,635	33,746
Bulgaria [11]			160	39,280	22,533
Czechoslovakia [12]					3,426
Denmark	31,771	88,132	50,231	65,285	41,983
Finland [13]					756
France	72,206	50,464	30,770	73,379	61,897
Germany [3]	718,182	1,452,970	505,152	341,498	143,945
Great Britain:					
England	437,706	644,680	216,726	388,017	249,944
Scotland	87,564	149,869	44,188	120,469	78,357
Wales	6,631	12,640	10,557	17,464	13,107
Not specified [3]	16,142	168	67		
Greece	210	2,308	15,979	167,519	184,201
Ireland	436,871	655,482	388,416	339,065	146,181
Italy	55,759	307,309	651,893	2,045,877	1,109,524
Netherlands	16,541	53,701	26,758	48,262	43,718
Norway [4]	95,323	176,586	95,015	190,505	66,395
Sweden [4]	115,922	391,776	226,266	249,534	95,074
Poland [5]	12,970	51,806	96,720		4,813
Portugal	14,082	16,978	27,508	69,149	89,732
Rumania [13]	11	6,348	12,750	53,008	13,311
Spain	5,266	4,419	8,731	27,935	68,611
Switzerland	28,293	81,988	31,179	34,922	23,091
Turkey in Europe	337	1,562	3,626	79,976	54,677
Union of Soviet Socialist Republics [6]	39,284	213,282	505,290	1,597,306	921,201
Yugoslavia [11]					1,888
Other Europe	1,001	682	122	665	8,111
Asia	123,823	68,380	71,236	243,567	192,559
China	123,201	61,711	14,799	20,605	21,278
India	163	269	68	4,713	2,082
Japan [7]	149	2,270	25,942	129,797	83,837
Turkey in Asia [8]	67	2,220	26,799	77,393	79,389
Other Asia	243	1,910	3,628	11,059	5,973
America	404,044	426,967	38,972	361,888	1,143,671
Canada and Newfoundland [9]	383,640	393,304	3,311	179,226	742,185
Mexico [10]	5,162	1,913	971	49,642	219,004
West Indies	13,957	29,042	33,066	107,548	123,424
Central America	157	404	549	8,192	17,159
South America	1,128	2,304	1,075	17,280	41,899
Africa	358	857	350	7,368	8,443
Australia and New Zealand	9,886	7,017	2,740	11,975	12,348
Pacific Islands	1,028	5,557	1,225	1,040	1,079
Not specified [14]	790	789	14,063	33,523	1,147

See footnotes at end of table, p. 816.

TABLE 2.—*Immigration by country, for decades, 1820 to 1949* [1]—Continued

Countries	1921-30	1931-40	1941-49	Total, 130 years, 1820-1949
All countries	4,107,209	528,431	785,852	39,076,295
Europe	2,477,853	348,289	422,589	33,047,224
Albania [12]	1,663	2,040	71	3,774
Austria [2]	32,868	3,563	8,393	4,155,447
Hungary [2]	30,680	7,861	3,279	
Belgium	15,846	4,817	10,760	168,965
Bulgaria [11]	2,945	938	362	66,218
Czechoslovakia [12]	102,194	14,393	7,401	127,414
Denmark	32,430	2,559	4,299	339,324
Estonia [12]	1,576	506	208	2,290
Finland [12]	16,691	2,146	1,997	21,590
France	49,610	12,623	34,379	629,377
Germany [2]	412,202	114,058	97,986	6,119,937
Great Britain:				
England	157,420	21,756	102,061	2,743,252
Scotland	159,781	6,887	13,832	747,606
Wales	13,012	735	2,944	89,338
Not specified [3]				793,741
Greece	51,084	9,119	7,794	438,402
Ireland	220,591	13,167	19,535	4,611,643
Italy	455,315	68,028	45,207	4,764,430
Latvia [12]	3,399	1,192	356	4,947
Lithuania [12]	6,015	2,201	678	8,894
Luxemburg [12]	727	565	756	2,048
Netherlands	26,948	7,150	11,780	265,539
Norway [4]	68,531	4,740	7,838	812,693
Poland [5]	227,734	17,026	6,875	421,630
Portugal	29,994	3,329	6,317	262,361
Rumania [12]	67,646	3,871	921	157,866
Spain	28,958	3,258	2,515	172,638
Sweden [4]	97,249	3,960	8,482	1,225,930
Switzerland	29,676	5,512	8,693	304,373
Turkey in Europe	14,659	737	471	156,344
Union of Soviet Socialist Republics [6]	61,742	1,356	542	3,343,889
Yugoslavia [11]	49,064	5,835	1,387	58,174
Other Europe	9,603	2,361	4,470	27,150
Asia	97,400	15,344	28,001	946,540
China	29,907	4,928	15,429	397,602
India	1,886	496	1,640	11,513
Japan [7]	33,462	1,948	1,455	279,046
Turkey in Asia [8]	19,165	328	205	205,568
Other Asia	12,980	7,644	9,272	52,811
America	1,516,716	160,037	310,613	4,712,079
Canada and Newfoundland [9]	924,515	108,527	149,833	3,155,561
Mexico [10]	459,287	22,319	53,845	832,100
West Indies	74,899	15,502	43,519	490,490
Central America	15,769	5,861	19,496	68,650
South America	42,215	7,803	18,547	139,849
Other America [13]	31	25	25,373	25,429
Africa	6,286	1,750	6,518	32,578
Australia and New Zealand	8,299	2,231	13,345	67,877
Pacific Islands	427	780	4,651	15,796
Not specified [14]	228		135	254,201

[1] Data are for fiscal years ended June 30, except 1820 to 1831 inclusive and 1844 to 1849 inclusive fiscal years ended Sept. 30; 1833 to 1842 inclusive and 1851 to 1867 inclusive years ended Dec. 31; 1832 covers 15 months ended Dec. 31; 1843 9 months ended Sept. 30; 1850 15 months ended Dec. 31; and 1868 6 months ended June 30.

[2] Data for Austria-Hungary were not reported until 1861. Austria and Hungary have been recorded separately since 1905. In the years 1938 to 1945 inclusive Austria was included with Germany.

[3] United Kingdom not specified.

[4] From 1820 to 1868 the figures for Norway and Sweden were combined.

[5] Poland was recorded as a separate country from 1820 to 1898 and since 1920. Between 1899 and 1919 Poland was included with Austria-Hungary, Germany, and Russia.

[6] Since 1931 the Russian Empire has been broken down into European Russia and Siberia or Asiatic Russia.

[7] No record of immigration from Japan until 1861.

[8] No record of immigration from Turkey in Asia until 1869.

[9] Prior to 1920 Canada and Newfoundland were recorded as British North America. From 1820 to 1898 the figures include all British North American possessions.

[10] No record of immigration from Mexico from 1886 to 1893.

[11] Bulgaria, Serbia, and Montenegro were first reported in 1899. Bulgaria has been reported separately since 1920 and in 1920 also a separate enumeration was made for the Kingdom of Serbs, Croats, and Slovenes. Since 1922 the Serb, Croat, and Slovene Kingdom has been recorded as Yugoslavia.

[12] Countries added to the list since the beginning of World War I are theretofore included with the countries to which they belonged. Figures are available since 1920 for Czechoslovakia and Finland; since 1924, for Albania, Estonia, Latvia, and Lithuania; and since 1925 for Luxemburg.

[13] No record of immigration from Rumania until 1880.

[14] The figure 33,523 in column headed 1901-10, includes 32,897 persons returning in 1906 to their homes in the United States.

[15] Included with countries not specified prior to 1925.

Source: Immigration and Naturalization Service.

TABLE 3.—*Immigration to the United States by country, 1820 to 1947*

Countries [1]	Free period, 1820-80 (61 years)	Selective period, 1881-1920 (40 years)	Restrictive period			128 years total, 1820-1947
			1921-30	1931-40	1941-47	
All countries	10,189,429	23,465,374	4,107,209	528,431	426,965	38,717,408
Europe	8,989,889	20,808,604	2,477,853	348,289	189,453	32,814,088
Albania			1,663	2,040	57	3,760
Austria	80,769	3,988,034	32,868	3,563	1,675	4,147,034
Hungary			30,680	7,861	1,584	
Belgium	23,817	113,725	15,846	4,817	6,662	164,867
Bulgaria		61,973	2,945	938	221	66,077
Czechoslovakia		3,426	102,194	14,393	3,073	123,086
Denmark	54,405	245,631	32,430	2,559	1,725	336,750
Estonia			1,576	506	145	2,227
Finland		756	16,691	2,146	938	20,531
France	316,255	216,510	49,610	12,623	24,013	619,011
Germany	3,052,126	2,443,565	412,202	114,058	23,334	6,045,285
Great Britain:						
England	962,648	1,499,367	157,420	21,756	64,170	2,705,361
Scotland	174,223	392,883	159,781	6,887	5,253	739,027
Wales	18,879	53,768	13,012	735	1,862	88,256
Not specified	793,506	235				793,741
Greece	398	370,007	51,084	9,119	3,810	434,418
Ireland	2,829,206	1,529,144	220,591	13,167	5,449	4,597,557
Italy	81,277	4,114,603	455,315	68,028	17,437	4,736,660
Latvia			3,399	1,192	242	4,833
Lithuania			6,015	2,201	431	8,647
Luxemburg			727	565	533	1,825
Netherlands	47,222	172,439	26,948	7,150	4,451	258,210
Norway	356,672	528,501	68,531	4,740	2,915	807,770
Sweden		962,650	97,249	3,960	3,375	1,220,823
Poland	16,656	153,339	227,734	17,026	2,755	417,510
Portugal	19,354	203,367	29,994	3,329	4,145	260,189
Rumania	11	85,417	67,646	3,871	493	157,438
Spain	28,211	109,696	28,958	3,258	1,702	171,825
Switzerland	89,312	171,180	29,676	5,512	4,700	300,380
Turkey in Europe	636	139,841	14,659	737	309	156,182
U. S. S. R.	43,170	3,237,079	61,742	1,356	434	3,343,781
Yugoslavia		1,888	49,064	5,835	711	57,498
Other Europe	1,136	9,580	9,603	2,361	849	23,529
Asia	230,053	575,742	97,400	15,344	10,824	929,363
China	228,945	118,393	29,907	4,928	4,811	386,984
India	359	7,132	1,886	496	1,202	11,075
Japan	335	241,846	33,462	1,948	503	278,094
Turkey in Asia	69	185,801	19,165	328	149	205,512
Other Asia	345	22,570	12,980	7,644	4,159	47,698
America	753,215	1,971,498	1,516,716	160,037	208,533	4,609,999
Canada and Newfoundland	654,660	1,318,026	924,515	108,527	99,192	3,104,920
Mexico	25,119	271,530	459,287	22,319	37,378	815,633
West Indies	63,490	293,080	74,899	15,502	29,854	476,825
Central America	1,220	26,304	15,769	5,861	14,394	63,548
South America	8,726	62,558	42,215	7,803	12,394	133,696
Other America			31	25	15,321	15,377
Africa	1,006	17,018	6,286	1,750	4,496	30,556
Australia and New Zealand	9,922	34,080	8,299	2,231	11,466	65,998
Pacific Islands	1,028	8,910	427	780	2,093	13,238
Not specified	204,316	49,522	228		100	254,166

[1] Countries added to the list since World War I are before that included with the countries to which they belonged.

Source: International Migration and One World (1948), and Annual Report of the I. & N. Service (1947).

TABLE 4.—*Sources of immigration to the United States, distribution by percentages, 1820 to 1949*

Total (125 years)	Total number of immigrants	Europe		North America		Other countries [1]
		Northern and western	Southern and eastern	Canada and Newfoundland	Mexico	
1820 to 1830	100.0	68.0	2.2	1.6	3.2	25.0
1831 to 1840	100.0	81.7	1.0	2.3	1.1	13.9
1841 to 1850	100.0	93.0	.3	2.4	.2	4.1
1851 to 1860	100.0	93.6	.8	2.3	.1	3.2
1861 to 1870	100.0	87.8	1.5	6.6	.1	4.0
1871 to 1880	100.0	73.6	7.2	13.6	.2	5.4
1881 to 1890	100.0	72.0	18.3	7.5	[2]	2.2
1891 to 1900	100.0	44.6	51.9	.1	[2]	3.4
1901 to 1910	100.0	21.7	70.8	2.0	.6	4.9
1911 to 1920	100.0	17.4	59.0	12.9	3.8	6.9
1921 to 1946	100.0	43.1	18.9	21.5	11.5	5.0
1947	100.0	40.6	16.2	16.5	5.1	21.6
1948	100.0	42.9	17.9	11.9	4.9	19.4
1949	100.0	55.2	13.6	13.4	4.3	13.5

[1] "Other countries" includes the West Indies, Central and South America, Asia, Africa, Australia, Pacific Islands, and countries not specified.
[2] Less than 0.1 percent.

Source: International Migration and One World, Statistics from I. & N. Service Reports, 1947, 1948.

TABLE 5.—*Immigration from northern and western Europe compared to immigration from southern and eastern Europe*

Period	Northern and western Europe	Southern and eastern Europe	Period	Northern and western Europe	Southern and eastern Europe
1820 to 1830	103,119	3,389	1881 to 1890	3,778,633	958,413
1831 to 1840	489,739	5,949	1891 to 1900	1,643,492	1,915,486
1841 to 1850	1,592,062	5,439	1901 to 1910	1,910,035	6,225,981
1851 to 1860	2,431,336	21,334	1911 to 1920	997,438	3,379,126
1861 to 1870	2,031,642	33,628	1924 to 1946	1,108,064	484,557
1871 to 1880	2,070,373	201,889	1947 to 1949	174,020	97,183

TABLE 6.—*Quota immigrants admitted, fiscal year 1948*

Quota nationality:	
All countries	92,526
Europe	90,632
Northern and western Europe	67,395
Belgium	1,308
Denmark	1,172
Eire	7,444
France	3,059
Germany	17,229
Great Britain and Northern Ireland	27,774
Iceland	56
Luxemburg	82
Netherlands	3,515
Norway	2,460
Sweden	1,965
Switzerland	1,331
Southern and eastern Europe	23,237
Austria	1,692
Bulgaria	81
Czechoslovakia	2,831
Estonia	127
Finland	516
Greece	213
Hungary	882
Italy	5,631
Latvia	300
Lithuania	458
Poland	6,143
Portugal	445
Rumania	400
Spain	189
Turkey	188
Union of Soviet Socialist Republics	2,061
Yugoslavia	794
Other southern and eastern Europe	286
Asia	1,248
Africa	328
Pacific	318

Source: I. and N. Service Report, 1948 (table 4).

TABLE 7.—*Quota immigrants admitted*

Quota country or region [1]	Annual quota		Quota immigrants admitted								
	1925–29	1930–47	1925–29	1930–34	1935–39	1940–44	1945	1946	1947	1948	1949
All countries	164,667	[2] 153,929	761,622	229,301	168,540	121,253	11,623	29,095	70,701	92,526	113,046
Europe	161,422	[2] 150,501	755,387	225,725	165,471	118,301	11,042	27,839	69,137	90,632	111,443
Northern and western Europe	140,999	125,853	656,832	171,806	101,950	76,396	7,305	16,416	47,056	67,395	59,578
Belgium	512	1,304	2,661	1,926	1,166	2,364	81	380	1,315	1,308	1,270
Denmark	2,789	1,181	13,116	2,094	1,079	918	98	259	1,097	1,172	1,109
Eire [3]	28,567	17,853	132,715	27,528	3,633	1,777	232	546	2,011	7,444	8,505
France	3,954	3,086	18,259	5,081	3,100	4,436	184	1,554	3,140	3,059	2,997
Germany [4]	51,227	25,957	242,363	44,144	72,718	46,617	1,189	3,634	13,662	17,229	12,819
Great Britain and Northern Ireland	34,007	65,721	154,151	74,264	13,481	12,920	5,106	8,701	19,227	27,774	23,543
Iceland	100	100	300	72	21	61	43	69	95	56	68
Luxemburg	100	100	495	150	69	231	11	14	71	82	94
Netherlands	1,648	3,153	7,905	4,501	1,935	3,031	152	434	2,451	3,515	2,991
Norway	6,453	2,377	30,335	4,258	1,718	1,282	100	300	1,928	2,460	2,303
Sweden	9,561	3,314	44,849	4,999	1,305	981	57	288	1,187	1,965	2,376
Switzerland	2,081	1,707	9,683	2,789	1,725	1,778	52	237	872	1,331	1,503
Southern and eastern Europe	20,423	24,648	98,555	53,919	63,521	41,905	3,737	11,423	22,081	23,237	51,865
Austria [4]	785	1,413	4,213	2,478	1,619	----------	----------	833	1,455	1,692	1,327
Bulgaria	100	100	509	186	383	236	9	28	88	81	65
Czechoslovakia	3,073	2,874	14,668	5,210	8,464	5,019	276	964	2,663	2,831	3,255
Estonia	124	116	612	251	239	233	16	113	101	127	1,716
Finland	471	569	2,363	1,114	1,349	857	53	172	545	516	497
Greece	100	307	737	1,119	1,773	1,365	218	291	133	213	426
Hungary	473	869	2,445	2,213	3,702	2,675	117	488	949	382	1,445
Italy	3,845	5,802	18,389	14,342	15,101	4,947	268	1,262	5,042	5,631	5,207
Latvia	142	236	754	460	600	584	43	180	261	300	3,534
Lithuania	344	386	1,828	1,104	1,324	862	78	215	427	458	6,452
Poland	5,982	6,524	29,000	12,313	15,517	13,834	1,122	4,144	6,516	6,143	21,462
Portugal	503	440	2,453	1,309	1,543	1,519	421	420	327	445	462
Rumania	603	[3] 377	3,783	1,920	1,854	1,487	215	349	377	400	699
Spain	131	252	806	1,178	1,263	1,161	182	238	63	189	194
Turkey	100	226	679	1,104	1,070	753	156	188	120	188	177
U. S. S. R. (Russia)	2,248	[3] 2,712	10,275	5,125	4,085	4,806	372	938	1,982	2,061	3,710
Yugoslavia	671	845	3,081	1,772	2,735	1,253	177	547	810	794	976
Other southern and eastern Europe	728	600	1,960	721	900	314	14	53	222	286	261

See footnotes at end of table, p. 820.

TABLE 7.—*Quota immigrants admitted*—Continued

Quota country or region [1]	Annual quota		Quota immigrants admitted								
	1925–29	1930–47	1925–29	1930–34	1935–39	1940–44	1945	1946	1947	1948	1949
Asia	1,424	1,528	3,507	2,124	1,902	1,743	388	710	999	1,248	1,003
Africa	1,200	1,200	1,341	604	297	468	71	269	263	328	328
Pacific	621	700	1,387	848	870	741	122	277	311	318	272

[1] Persons born in colonies, dependencies, or protectorates, or portions thereof within barred zone, of European countries, who are admissible under immigration laws of United States as quota immigrants, are charged to quota of country to which such colony or dependency belongs or by which it is administered as a protectorate. Aliens who obtain visas during latter part of fiscal year may be admitted in following year since visas are valid for period of 4 months. Nationality for quota purposes does not always coincide with actual nationality (sec. 12, Immigration Act of 1924).

[2] Quota was 153,774 from 1934 to Feb. 8, 1944, when quota of 105 Chinese, authorized by act of Dec. 17, 1943, increased the maximum quota to 153,879. On July 4, 1946, quota for Philippine Islands was increased from 50 to 100, thereby raising total quota to 153,929. Total quota for 1930 and 1931 was 153,714; for 1932 and 1933, 153,831; the Soviet Union's quota was 2,784 for 1930 and 1931, and 2,701 for 1932 and 1933; Rumania's, 295 prior to 1934. There were also changes in 1932 and 1933 for certain countries included in "Other Europe," Asia, and Pacific islands.

[3] Eire known as Irish Free State, 1922 to 1927.

[4] For 1938 to 1945, Austrian quota included with German.

Source: Immigration and Naturalization Service, Annual Report 1948, Statistical Abstract of the United States, p. 110.

TABLE 8A.—*Immigration and foreign-born from all countries and from Western Hemisphere*

Immigration				Foreign-born			
Date	From all countries	From Americas		Date	From all countries	From Americas	
		Number	Percent			Number	Percent
	Thousands	*Thousands*			*Thousands*	*Thousands*	
1820 to 1830	152	12.0	7.9				
1831 to 1840	599	33.4	5.6				
1841 to 1850	1,713	62.5	3.6	1850	2,245	168.5	7.6
1851 to 1860	2,598	74.7	2.9	1860	4,139	288.3	7.0
1861 to 1870	2,315	166.6	7.2	1870	5,567	551.3	10.0
1871 to 1880	2,812	404.0	14.4	1880	6,680	807.2	12.1
1881 to 1890	5,247	427.0	8.1	1890	9,250	1,088.2	11.8
1891 to 1900	3,688	39.0	1.1	1900	10,341	1,317.4	12.6
1901 to 1910	8,795	361.9	4.1	1910	13,516	1,489.2	11.0
1911 to 1920	5,736	1,143.7	19.9	1920	13,921	1,727.0	12.4
1921 to 1930	4,107	1,516.7	36.9	1930	14,204	2,102.2	14.2
1931 to 1940	528	160.0	30.3	1940	11,595	1,598.1	13.8
1941 to 1949	786	310.6	39.5				

Source: The Annals of the American Academy of Political and Social Science (March 1949), p. 71.

TABLE 8B.—*Immigrants from the Western Hemisphere, by region of origin, fiscal years 1901 to 1949*

[1]

Region of origin	1901-10	1911-20	1921-30	1931-40	1941-49	1901-49
Western Hemisphere	362,000	1,144,000	1,517,000	160,000	285,000	3,467,000
Canada and Newfoundland	179,000	742,000	925,000	109,000	150,000	2,105,000
Percent	49.5	64.9	61.0	67.8	52.6	60.7
Mexico	49,600	219,000	459,300	22,300	53,800	803,200
Percent	13.7	19.1	30.3	13.9	18.9	23.2
West Indies	107,600	123,400	74,900	15,500	43,500	364,800
Percent	29.7	10.8	4.9	9.7	15.2	10.5
South America	17,300	41,900	42,200	7,800	18,500	127,700
Percent	4.8	3.7	2.8	4.9	6.5	3.7
Central America	8,200	17,200	15,800	5,900	19,500	66,500
Percent	2.3	1.5	1.0	3.7	6.8	2.0

Source: The American Academy of Political and Social Science, The Annals, March 1949, table 1, p. 73.

TABLE 9A.—*Nonquota immigration by class of admission, years ended June 30, 1925–48*

Class of admission	Nonquota immigrants	
	Number	Percent
All classes	1,403,915	100.0
Wives of United States citizens	231,299	16.5
Husbands of United States citizens	12,788	.9
Children of United States citizens	105,667	7.5
Natives of nonquota countries	993,635	70.8
Their wives and children	7,029	.5
Ministers of religious denominations	8,364	.6
Their wives and children	8,714	.6
Professors of institutions of higher learning	2,869	.2
Their wives and children	2,179	.2
Women who had been United States citizens	1,935	.1
Other nonquota classes	29,436	2.1

Source: Immigration and Naturalization Service, Monthly Review, August 1945, table 1, p. 187, extended.

TABLE 9B.—*Comparison of quota and nonquota immigrants admitted from quota countries, years ended June 30, 1925–48*

	Number	Percent
All quota countries	1,873,479	100.0
Quota immigrants	1,484,661	79.2
Nonquota immigrants	388,818	20.8
Northern and western Europe	1,247,506	100.0
Quota immigrants	1,145,147	91.8
Nonquota immigrants	102,359	8.2
Southern and eastern Europe	566,296	100.0
Quota immigrants	318,378	56.2
Nonquota immigrants	247,918	43.8
Asia, Africa, and Pacific	59,677	100.0
Quota immigrants	21,136	35.4
Nonquota immigrants	38,541	64.6

Source: Immigration and Naturalization Service, Monthly Review, August 1945, table 2, p. 187, extended.

TABLE 10.—*Arriving nonimmigrants, departing nonemigrants, and their relative numbers for 1930 to 1948*

Fiscal year	Arriving nonimmigrant	Departing nonemigrant	Difference	Fiscal year	Arriving nonimmigrant	Departing nonemigrant	Difference
1948	476,006	427,343	48,663	1938	184,802	197,404	−12,602
1947	366,305	300,921	65,384	1937	181,640	197,846	−16,206
1946	203,469	186,210	17,259	1936	154,570	157,467	−2,897
1945	164,247	85,920	78,327	1935	144,765	150,216	−5,451
1944	113,641	78,740	34,901	1934	134,434	137,401	−2,967
1943	81,117	53,615	27,502	1933	127,660	163,721	−36,061
1942	82,457	67,189	15,268	1932	139,295	184,362	−45,067
1941	100,008	71,362	28,646	1931	183,540	229,034	−45,494
1940	138,032	144,703	−6,671	1930	204,514	221,764	−17,250
1939	185,333	174,758	10,575				

Source: Immigration and Naturalization Service, annual reports.

TABLE 11.—*Nonimmigrant aliens admitted in years ended June 30, 1941, to June 30, 1948*

	1949	1948	1947	1946	1945	1944	1943	1942	1941
Total nonimmigrants admitted	447,272	476,006	366,305	203,469	164,247	113,641	81,117	82,457	100,008
Government officials	13,722	16,822	16,517	17,031	18,054	23,630	16,328	12,038	9,269
Members of international organizations	4,723	4,059	3,803	658	.....	.....	.....	.....	.....
Temporary visitors for business	73,338	78,876	79,634	74,913	76,747	39,990	19,776	8,070	10,438
Temporary visitors for pleasure	225,745	206,107	134,924	59,913	30,982	8,699	7,924	17,065	24,222
In transit	81,615	124,780	96,825	31,124	28,174	34,856	31,906	28,305	18,749
Returning residents	36,984	32,464	22,818	13,306	6,896	4,745	4,102	15,462	35,246
Students	10,481	11,914	11,003	5,855	2,866	1,643	1,021	1,368	1,766
Other	664	984	781	669	528	78	60	149	318

Source: Immigration and Naturalization Service, Annual Reports.

TABLE 12.—*Nonimmigrant aliens admitted under sec. 3 (1) and sec. 3(7) of the Immigration Act of 1924, as amended, 1938 to 1949*

Fiscal year	Government officials, their families, attendants, servants and employees, sec. 3 (1)	Members of international organizations, sec. 3 (7)	Fiscal year	Government officials, their families, attendants, servants and employees, sec. 3 (1)	Members of international organizations, sec. 3 (7)
1949	13,722	4,723	1942	12,038	----------
1948	16,822	4,059	1941	9,269	----------
1947	16,517	3,803	1940	7,448	----------
1946	17,031	658	1939	7,777	----------
1945	18,054	----------	1938	6,221	----------
1944	23,630	----------	Total	164,857	13,242
1943	16,328	----------			

Source: Immigration and Naturalization Service, Annual Reports.

TABLE 13.—*Nonimmigrant aliens admitted as government officials, their families, attendants, servants, and employees under sec. 3 (1) of the Immigration Act of 1924, as amended, by country of last permanent residence, fiscal years 1938 to 1949*

Country of last permanent residence	Total, 1938–48	1938	1939	1940	1941	1942	1943	1944	1945	1946	1947	1948	1949
All countries	151,135	6,221	7,777	7,448	9,269	12,038	16,328	23,630	18,054	17,031	16,517	16,822	13,722
Europe	52,654	2,334	3,250	2,767	3,425	4,562	4,898	6,809	7,256	6,416	6,099	4,838	4,958
Austria [1]	69									7	30	32	38
Belgium	1,272	91	144	134	73	14	13	13	96	333	212	149	114
Bulgaria	57	33	7	8	2						2	5	22
Czechoslovakia	434	55	45		2	6	4	20	7	71	107	117	74
Denmark	585	28	43	18	22	18	4	5	31	121	192	103	79
Eire	233	26	43	6	8	11	15	19	14	26	33	32	31
Estonia	14	1	5		1			4			1	2	
Finland	221	31	23	35	24	3	1		1	42	30	31	54
France	4,384	379	589	662	315	66	66	41	424	759	572	511	534
Germany [1]	1,622	473	534	226	36	59	5	20	1	7	235	26	18
Great Britain:													
England	25,115	345	577	620	1,909	3,453	3,327	4,324	4,455	2,345	2,071	1,689	1,707
Scotland	870	7	10	37	62	133	158	225	94	70	38	36	25
Wales	265			2	18	52	47	83	27	20	4	12	9
Greece	518	9	13	20	13	24	7	7	84	78	128	135	403
Hungary	288	34	62	49	31	7	1	2	5	33	39	25	41
Italy	1,491	199	197	232	152	50	1	6	25	179	220	230	218
Latvia	18	6	3	2	4	1	1		1				
Lithuania	30	5	9	4	8	1						3	1
Netherlands	1,600	58	87	79	50	58	72	80	58	363	459	236	258
Northern Ireland	91	1		3	10	10	7	19	7	7	13	14	5
Norway	1,356	28	85	58	105	94	69	64	80	405	248	120	207
Poland	838	88	108	41	17	8	25	30	141	166	120	94	78
Portugal	687	26	34	57	65	47	43	20	26	54	41	274	90
Rumania	266	36	132	21		1			5		55	16	9
Spain	607	56	104	66	71	23	9	30	41	63	79	65	96
Sweden	1,261	121	123	91	29	47	13	74	68	221	270	204	209
Switzerland	885	45	100	88	83	34	18	43	68	127	160	119	146
U. S. S. R.	6,091	87	80	120	191	267	900	1,552	1,417	719	540	218	189
Yugoslavia	328	27	34	34	9	42	21	8	31	51	40	31	87
Other Europe	1,158	39	59	54	115	33	71	120	49	149	160	309	216
Asia	10,275	839	807	699	523	453	543	843	2,093	809	1,266	1,400	928
China	3,791	197	148	228	173	318	439	649	439	405	524	271	142
India	2,579	18	69	42	17	45	60	66	1,452	165	287	358	282
Japan	1,705	542	465	318	291	57	11			5	12	4	7
Palestine	38	4		3		1	4	1	2	3	10	10	19
Other Asia	2,162	78	125	108	42	32	29	127	200	231	433	757	478

Canada	21,864	144	165	236	1,152	2,038	4,398	6,238	3,379	1,755	1,395	964	1,072
Newfoundland	208	7	2	1	12	10	22	52	42	35	17	8	13
Mexico	8,162	523	462	437	627	948	896	724	686	635	963	1,261	1,272
West Indies	17,323	882	1,025	938	1,032	1,033	1,929	4,960	1,108	1,910	1,345	1,141	845
Central America	4,622	255	259	343	357	407	461	404	436	612	538	550	657
South America	25,040	939	1,310	1,714	1,742	1,906	2,489	2,829	1,618	3,057	3,123	4,313	3,083
Africa	1,853	78	78	53	59	84	133	139	234	354	354	287	285
Australia and New Zealand	3,241	112	143	95	127	340	462	556	467	349	404	186	199
Philippines	1,508	59	225	119	55	50	3	4	18	61	405	509	178
Other countries	4,385	49	51	46	158	207	94	52	717	1,038	608	1,365	232

[1] In the years 1938 to 1945, inclusive, Austria was included with Germany.

Source: Immigration and Naturalization Service.

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TABLE 14.—*Nonimmigrant aliens admitted as members of international organizations under sec. 3 (7) [1] of the Immigration Act of 1924, as amended, by country of last permanent residence, fiscal years 1946 to 1949*

Country of last permanent residence	Total 1946–49	1946	1947	1948	1949
All countries	13,243	658	3,803	4,059	4,723
Europe	7,353	407	2,504	1,990	2,452
Austria	94	5	72	3	14
Belgium	276	5	111	75	85
Bulgaria	7	.....	3	1	3
Czechoslovakia	151	22	60	32	37
Denmark	195	1	66	52	76
Eire	36	8	9	1	18
Finland	12	.....	5	1	6
France	2,436	96	740	659	941
Germany	43	3	25	5	10
Great Britain:					
England	1,632	112	557	405	558
Scotland	53	3	17	16	17
Wales	9	1	.....	3	5
Greece	93	17	37	20	19
Hungary	8	.....	4	2	2
Italy	126	9	32	53	32
Lithuania	2	.....	.....	1	1
Netherlands	201	36	95	88	72
Northern Ireland	20	1	8	4	7
Norway	225	20	70	43	92
Poland	133	2	76	28	27
Portugal	42	1	31	1	9
Rumania	8	.....	2	4	2
Spain	13	2	1	4	6
Sweden	93	.....	13	28	52
Switzerland	529	11	97	249	172
Union of Soviet Socialist Republics	620	47	306	136	131
Yugoslavia	144	5	53	53	33
Other Europe	62	.....	14	23	25
Asia	894	24	188	257	425
China	497	8	127	140	222
India	227	14	36	89	88
Japan	3	.....	2	.....	1
Palestine	10	.....	3	5	2
Other Asia	157	2	20	23	112
Canada	1,143	190	401	411	441
Newfoundland	3	.....	1	.....	2
Mexico	496	11	71	195	219
West Indies	384	1	53	176	154
Central America	173	.....	35	59	79
South America	1,340	16	319	413	592
Africa	224	6	59	55	104
Australia and New Zealand	193	3	32	63	95
Philippines	111	.....	2	27	82
Other countries	629	.....	138	413	78

[1] Clause added by act of Dec. 29, 1945.

Source: Immigration and Naturalization Service.

TABLE 15.—*Alien crewmen arrived in and departed from the United States and United States citizens serving as crewmen on vessels boarded, fiscal years 1938 to 1949*

Year ended June 30	Alien crewmen		United States citizen crewmen	Year ended June 30	Alien crewmen		United States citizen crewmen
	Arrived and examined	Departed			Arrived and examined	Departed	
Total	9,430,182	9,339,449	9,206,962	1943	564,258	571,180	396,884
				1944	748,423	758,450	937,187
1938	978,737	976,983	439,977	1945	768,921	770,993	1,547,346
1939	971,662	968,996	416,124	1946	676,038	669,406	1,206,042
1940	738,718	733,108	439,899	1947	776,943	766,795	987,052
1941	696,016	687,918	462,979	1948	922,349	891,876	1,015,525
1942	628,018	622,557	411,007	1949	960,099	921,187	946,940

Source: Immigration and Naturalization Service.

TABLE 16.—*Specified immigration activities at the land borders of the United States, fiscal years 1938 to 1949*

Activity	Total, 1938–48	1938	1939	1940	1941	1942	1943	1944	1945	1946	1947	1948	1949
Inward movement at land borders	609,828,665	52,993,989	51,363,952	50,102,398	38,974,008	43,679,900	40,717,372	46,243,243	55,801,140	74,240,190	77,350,266	78,362,207	85,400,278
Aliens	310,338,985	28,651,501	28,858,336	28,121,041	18,617,633	20,975,281	20,378,438	22,441,827	27,395,495	37,085,718	38,921,170	38,892,545	40,077,743
United States citizens	299,489,680	24,342,488	22,505,616	21,981,357	20,356,375	22,704,619	20,338,934	23,801,416	28,405,645	37,154,472	38,429,096	39,469,662	45,322,535
Holders of border-crossing cards	4,984,317	177,404	184,240	197,905	338,986	427,651	459,413	509,038	536,485	610,166	619,797	923,232	995,738
Aliens	3,719,681	138,589	141,253	150,999	280,387	365,554	391,510	439,295	379,355	432,784	472,194	527,761	609,850
United States citizens	1,264,636	38,815	42,987	46,906	58,599	62,097	67,903	69,743	157,130	177,382	147,603	395,471	385,789
Arrived at land borders [1]	896,998	58,637	56,380	46,890	67,526	49,334	41,511	45,963	81,757	115,392	147,376	186,232	----------
Aliens admitted	777,141	44,434	45,038	38,859	60,655	42,935	35,015	38,627	63,995	93,057	137,695	176,831	40,409
Immigrants	270,108	18,139	15,316	16,234	19,691	15,854	18,107	21,527	24,938	37,021	42,109	41,172	----------
Nonimmigrants	507,033	26,295	29,722	22,625	40,964	27,081	16,908	17,100	39,057	56,036	95,586	135,659	13,379
United States citizens	119,857	14,203	11,342	8,031	6,871	6,399	6,496	7,336	17,762	22,335	9,681	9,401	----------
Departed at land borders [1]	505,518	31,398	33,308	29,983	27,308	37,939	33,892	29,825	16,381	46,002	88,387	131,095	----------
Aliens	450,597	26,709	27,723	23,741	21,617	33,227	30,572	26,898	9,834	41,259	82,862	126,155	----------
Emigrants	36,123	4,217	5,721	5,099	5,100	3,446	3,063	2,303	1,839	1,949	1,702	1,684	----------
Nonemigrants	414,474	22,492	22,002	18,642	16,517	29,781	27,509	24,595	7,995	39,310	81,160	124,471	----------
United States citizens	54,921	4,689	5,585	6,242	5,691	4,712	3,320	2,927	6,547	4,743	5,525	4,940	4,009
Aliens excluded at land borders [1]	35,505	7,282	5,572	4,374	2,266	1,474	1,344	1,359	1,987	2,419	3,543	3,885	----------

[1] Data excludes border crossers and agricultural and railway track laborers admitted from Mexico.

Source: Immigration and Naturalization Service.

TABLE 17.—*Citizen passenger travel between continental United States (mainland) and outlying or insular possessions and between insular possessions, fiscal years 1938 to 1949*

Insular traffic	Total 1938–48	1938	1939	1940	1941	1942	1943	1944	1945	1946	1947	1948	1949
Arrived	880,302	45,117	45,505	45,095	52,932	71,799	47,779	50,593	55,307	105,075	173,122	187,978	227,516
Mainland from insular	769,378	41,953	42,509	41,473	46,461	62,500	38,326	42,823	47,508	91,813	151,444	162,568	198,396
Hawaii	365,463	23,709	25,462	24,525	26,820	41,153	25,566	22,990	23,319	40,805	50,665	60,449	73,496
Puerto Rico	386,312	17,555	16,416	16,386	18,904	20,525	12,559	19,777	24,100	49,411	97,205	93,474	115,978
Virgin Islands	2,809	536	415	370	234	321	75	25	5	688	51	89	11
Guam	12,804	1	----	16	9	11	----	----	77	808	3,423	8,459	8,852
Samoa	1,888	150	211	170	489	487	126	23	7	43	91	91	35
Other insular	102	2	5	6	5	3	----	8	----	58	9	6	24
Insular from insular	110,924	3,164	2,996	3,622	6,471	9,299	9,453	7,770	7,799	13,262	21,678	25,410	29,120
Hawaii from insular	14,224	170	185	141	351	453	5	4	18	850	4,494	7,553	6,873
Puerto Rico from Virgin Islands	96,700	2,994	2,811	3,481	6,120	8,846	9,448	7,766	7,781	12,412	17,184	17,857	22,247
Departed	643,433	40,593	38,943	46,387	66,093	41,474	22,549	25,468	38,079	64,104	120,509	139,234	132,106
Mainland to insular	535,649	37,838	36,137	42,701	59,042	33,426	13,190	17,355	30,521	51,414	98,231	115,794	106,907
Hawaii	292,147	24,036	23,794	28,682	38,791	19,081	6,329	10,137	18,693	23,793	45,224	53,587	24,313
Puerto Rico	223,587	13,301	11,777	13,602	19,529	13,961	6,861	7,216	11,826	26,910	47,469	51,135	72,305
Virgin Islands	2,100	323	305	184	194	185	----	----	2	559	187	161	1,135
Guam	16,249	5	15	12	7	3	----	----	----	122	5,275	10,810	9,133
Samoa	1,315	155	196	183	498	127	----	2	----	30	76	48	----
Other	251	18	50	38	23	69	----	----	----	----	----	53	21
Insular to insular	107,784	2,755	2,806	3,686	7,051	8,048	9,359	8,113	7,558	12,690	22,278	23,440	25,199
Hawaii to insular	13,453	95	92	62	501	258	10	----	----	76	6,031	6,328	3,562
Puerto Rico to Virgin Islands	94,331	2,660	2,714	3,624	6,550	7,790	9,349	8,113	7,558	12,614	16,247	17,112	21,637

Source: Immigration and Naturalization Service.

TABLE 18.—*Alien passenger travel between continental United States (mainland) and outlying or insular possessions and between insular possessions, fiscal years 1938 to 1949*

Insular traffic	Total, 1938–48	1938	1939	1940	1941	1942	1943	1944	1945	1946	1947	1948	1949
Arrived	32,864	3,197	2,883	1,999	2,274	1,732	813	837	1,287	2,535	7,801	7,506	12,508
Mainland from insular	28,522	2,998	2,655	1,799	1,933	1,532	622	596	934	2,048	6,774	6,631	11,492
Hawaii	14,149	1,346	1,437	920	905	841	290	318	332	1,028	3,328	3,404	6,204
Puerto Rico	13,462	1,586	1,149	823	998	601	322	273	586	922	3,083	3,119	5,204
Virgin Islands	336	56	62	46	20	61	7	3		73	4	4	5
Guam	469			1	2	1			1	21	342	101	77
Samoa	103	9	7	9	8	28	3	2	15	3	16	3	2
Other insular	3	1								1	1		
Insular from insular	4,342	199	228	200	341	200	191	241	353	487	1,027	875	1,016
Hawaii from insular	598	5	1	1	8	4	1		9	9	269	291	269
Puerto Rico from Virgin Islands	3,744	194	227	199	333	196	190	241	344	478	758	584	747
Departed	26,853	2,477	2,336	2,206	1,973	1,226	978	865	1,029	2,066	5,262	6,435	5,175
Mainland to insular	23,038	2,235	2,113	1,980	1,734	1,042	822	654	800	1,594	4,416	5,648	4,376
Hawaii	11,646	1,127	1,273	1,193	952	418	175	308	252	872	2,797	2,279	611
Puerto Rico	11,141	1,065	818	763	768	612	647	346	534	673	1,583	3,332	3,411
Virgin Islands	139	32	17	12	4	9			1	47	11	6	277
Guam	52	1	1	1							20	29	77
Samoa	59	10	4	10	10	3			13	2	5	2	
Other insular	1			1									
Insular to insular	3,815	242	223	226	239	184	156	211	229	472	846	787	799
Hawaii to insular	552	8		7	2					32	207	296	139
Puerto Rico to Virgin Islands	3,263	234	223	219	237	184	156	211	229	440	639	491	660

Source: Immigration and Naturalization Service.

TABLE 19.—*United States citizens [1] admitted to and departed from the United States, fiscal years 1938 to 1949*

Year ended June 30	United States citizens		Year ended June 30	United States citizens	
	Arrived	Departed		Arrived	Departed
Total, 1938 to 1949	3,220,021	3,180,897	1943	105,729	62,403
			1944	108,444	63,525
1938	406,999	397,875	1945	175,568	103,019
1939	354,438	333,399	1946	274,543	230,578
1940	258,918	224,727	1947	437,690	451,845
1941	175,935	168,961	1948	542,932	478,988
1942	118,454	113,216	1949	620,371	552,361

[1] Exclusive of cruise passengers, travelers between continental United States and insular possessions, and border crossers.

Source: Immigration and Naturalization Service.

TABLE 20.—*Native-born United States citizens permanently departed from the United States, by country of future permanent residence, fiscal years 1939 to 1948*

Country of future residence	1939	1940	1941	1942	1943	1944	1945	1946	1947	1948
All countries	11,622	12,496	9,528	7,417	3,291	3,476	5,388	12,400	18,302	21,503
Europe	1,583	703	163	232	28	212	465	1,800	3,712	3,628
Austria								6	15	23
Belgium	33	9					10	63	191	175
Bulgaria	2	2							2	10
Czechoslovakia	12	1						22	59	61
Denmark	10	5				1		35	61	25
Eire	77	47	3	1			1	64	99	111
Estonia		2								
Finland	10	1	1	1				11	12	5
France	270	86	5	1			60	186	716	635
Germany	383	242	31					47	325	194
Great Britain:										
England	415	127	72	147	19	166	143	773	1,184	1,221
Scotland	117	44		1			3	56	80	81
Wales	2	1	2				1	8	25	21
Greece	5	7	1				1	7	36	36
Hungary	9	7	6					6	8	4
Italy	36	34	4			1	50	57	92	124
Latvia		1								
Lithuania	3	1					1			
Netherlands	34	14	5				2	55	127	119
Northern Ireland	35	9				1	1	7	30	19
Norway	6	14					1	90	84	56
Poland	8	2						8	32	13
Portugal	2	1	4	2	2	13	86	41	44	77
Rumania	9	5	1					5	6	14
Spain	3	6	16	2	4	20	58	25	65	46
Sweden	39	4	1	1	1	6	14	87	70	63
Switzerland	35	10	2	2			16	74	278	203
U. S. S. R.	8	8	2			2		15	6	51
Yugoslavia	5	2						3	6	16
Other Europe	15	11	7	74	2	2	17	49	59	165
Asia	1,307	2,128	1,086	198	31	196	1,272	2,246	1,066	1,106
China	804	1,378	630	50	2	16	29	971	478	337
India	113	293	115	64	16	89	328	665	276	374
Japan	160	296	320	64				275	81	7
Palestine	33	39				1	9	35	25	26
Other Asia	107	122	21	20	13	90	906	300	206	362
Canada	2,496	2,399	3,062	3,160	1,802	1,956	1,831	3,768	4,291	4,091
Newfoundland	2	16					1	35	48	115
Mexico	2,726	3,605	2,368	1,309	1,258	646	263	109	147	189
West Indies	571	524	392	343		1	17	216	744	1,113
Central America	890	574	1,146	1,176	30	30	153	338	2,928	6,022
South America	1,103	1,266	913	478	29	155	394	1,262	2,287	3,701
Africa	171	174	114	120	49	156	644	701	808	1,211
Australia and New Zealand	118	129	58	19	61	118	180	569	95	60
Philippines	576	919	201	56			119	822	259	151
Other countries	79	59	25	26	3	6	49	444	1,917	116

Source: Immigration and Naturalization Service, Annual Report 1948.

TABLE 21.—*Naturalized citizens permanently departed from the United States, by country of future permanent residence, fiscal years 1939 to 1948*

Country of future residence	1939	1940	1941	1942	1943	1944	1945	1946	1947	1948
All countries	1,617	1,082	720	478	273	422	799	3,030	3,587	2,387
Europe	672	267	27	18	6	51	119	1,100	1,628	694
Austria								1	2	7
Belgium	10	2					2	38	102	59
Bulgaria	1			1				1		1
Czechoslovakia	4	1					1	13	108	41
Denmark	12	2				1		26	45	14
Eire	43	15						143	101	65
Finland	3	2		1					4	
France	64	13	4	1			16	102	325	61
Germany	342	162	4					11	32	44
Great Britain:										
England	74	18	4	5	4	36	19	305	315	100
Scotland	20	8					1	96	82	22
Wales	1							7	18	2
Greece	5	1	1					7	10	6
Hungary	8	4	2					1	4	3
Italy	10		2				4	24	33	25
Lithuania	2									
Netherlands	10	2						37	79	13
Northern Ireland	14	8						8	40	10
Norway	11	4						70	76	23
Poland	7	3						7	7	9
Portgual			1			9	52	95	30	33
Rumania		2	1					1		
Spain		6	5	1	2	3	12	8	20	7
Sweden	4	1				1	6	47	34	9
Switzerland	15	8		1				45	126	34
U. S. S. R.	1	1	3			1	1	2	6	76
Yugoslavia	7	2							3	17
Other Europe	4	2		8			5	5	26	13
Asia	65	124	50	20	2	7	88	377	115	79
China	27	69	30	12	1		4	173	79	36
India	11	20	12	8		7	17	73	18	10
Japan	6	8	6					28	4	
Palestine	12	18			1		3	53	1	8
Other Asia	9	9	2				64	50	13	25
Canada	437	296	273	253	241	326	429	856	1,095	789
Newfoundland			1					3	2	3
Mexico	12	3	3	2	13	7	6	6	19	8
West Indies	106	75	54	23			1	33	31	31
Central America	100	85	134	68	3		1	40	216	299
South America	164	151	121	54	2	13	21	181	262	311
Africa	17	24	14	11	5	10	47	117	112	139
Australia and New Zealand	13	17	12	3	1	6	23	98	38	12
Philippines	29	36	27	21			4	186	62	16
Other countries	2	4	4	5		2	60	33	7	6

Source: Immigration and Naturalization Service, Annual Report 1948.

TABLE 22.—*Number of agricultural laborers in the United States on June 30 1944 to 1949*

Country from which admitted	Years ended June 30—					
	1944	1945	1946	1947	1948	1949
Total	97,011	99,434	65,745	64,522	34,400	26,818
Mexico	74,632	70,690	43,088	51,933	23,000	8,018
Bahamas	4,762	5,853	5,052	5,557		5,415
Jamaica	15,673	21,785	9,589	5,540	10,000	12,597
Barbados	908		3,187	664		248
British Honduras			160	60		222
Canada	1,036	1,106	4,000	489	1,400	222
Newfoundland			669	279		
Leeward Islands						96

Source: Immigration and Naturalization Service.

APPENDIX V

STATISTICS ON COMMITMENTS TO PRISONS AND JAILS

TABLE 1.—*Commitments, 1923 and 1910*

Color or race and nativity	To all institutions			To prisons and reformatories			To jails and workhouses		
	Total	Male	Female	Total	Male	Female	Total	Male	Female
1923 [1]									
All classes	357,493	328,820	28,673	37,585	35,216	2,369	319,908	293,604	26,304
White	266,857	252,457	14,400	27,901	26,281	1,620	238,956	226,176	12,780
Native	194,179	183,417	10,762	23,293	21,895	1,398	170,886	161,522	9,364
Foreign-born	66,990	63,677	3,313	4,525	4,317	208	62,465	59,360	3,105
Nativity unknown	5,688	5,363	325	83	69	14	5,605	5,294	311
1910									
All classes	479,787	433,460	46,327	27,732	26,222	1,510	452,055	407,238	44,817
White	370,019	344,219	25,800	18,374	17,537	837	351,645	326,682	24,963
Native	243,053	227,053	16,000	14,248	13,594	654	228,805	213,459	15,346
Foreign-born	98,536	89,836	8,700	4,105	3,927	178	94,431	85,909	8,522
Nativity unknown	28,430	27,330	1,100	21	16	5	28,409	27,314	1,095

[1] Enumerated for the period Jan. 1 to June 30; estimated for the rest of the year.

Source: U. S. Bureau of the Census, Prisoners: 1923 (1926), p. 62, table 32.

TABLE 2.—*Aliens received from the courts into Federal institutions by offense, fiscal years 1946 to 1948*

	1946			1947			1948		
	Total received	Aliens		Total received	Aliens		Total received	Aliens	
		Number	Percent		Number	Percent		Number	Percent
Total prisoners received	14,832	1,586	10.7	14,812	2,046	13.8	12,845	1,778	13.8
Immigration and Nationality Act [1]	1,202	1,171	97.4	1,657	1,631	98.4	1,477	1,446	97.9
Other	13,630	415	3.0	13,155	415	3.2	11,368	332	2.9
National Motor Vehicle Theft Act	1,854	10	.5	2,602	19	.7	2,486	14	.6
Liquor laws	1,918	56	2.9	1,659	28	1.7	1,514	25	1.7
Narcotic drug laws	1,128	103	9.1	1,255	126	10.0	1,291	111	8.6
Selective Service Act	1,312	70	5.3	739	82	11.1	210	29	13.8
Stowaway	153	36	23.5	173	73	42.2	127	71	55.9
White Slave Traffic Act	137	5	3.6	167	2	1.2	194	1	.5
Forgery	693	8	1.2	835	4	.5	788	6	.8
Military court-martial cases	2,216	24	1.1	2,045	13	.6	1,107	4	.4
Others	4,219	103	2.4	3,680	68	1.8	3,651	71	1.9

[1] Nationality Act commitments to Federal institutions numbered 9 in 1946; 14 in 1947; and 22 in 1948.

Source: Bureau of Prisons.

TABLE 3.—*Citizenship status of prisoners received from the courts into Federal institutions, fiscal years 1946 to 1948*

	1946	1947	1948
Total prisoners received	14,832	14,812	12,845
Born in United States	12,968	12,527	10,882
Naturalized	244	188	166
First papers	14	9	11
Alien	1,586	2,046	1,778
Not reported		42	8

Source: Bureau of Prisons.

TABLE 4.—*Number of foreign-born white prisoners and juvenile delinquents committed in 1910*

Offense	Total	Born in—																
		Austria	Canada		Denmark	England and Wales	France	Germany	Hungary	Ireland	Italy	Mexico	Norway	Poland	Russia	Scotland	Sweden	Switzerland	Other countries
			English	French															
All offenses	99,639	6,932	5,506	2,450	709	6,975	691	8,860	2,302	26,819	7,082	5,135	2,585	5,038	5,610	3,122	4,415	391	5,017
Grave homicide	101	10	1	1	------	3	------	8	6	6	31	11	1	4	1	3	2	2	11
Lesser homicide	298	34	6	4	2	14	3	22	11	11	107	26	3	11	17	2	3	------	22
Assault	4,737	595	148	106	21	142	19	341	243	517	903	241	48	487	433	52	96	14	331
Robbery	231	16	17	8	1	9	------	27	8	27	63	8	2	13	12	8	1	------	11
Burglary	1,201	95	79	41	13	100	10	166	13	90	176	119	16	41	129	18	13	10	72
Larceny	6,266	474	463	220	52	337	70	698	166	783	667	505	128	411	536	119	195	36	406
Fraud	1,329	158	83	23	14	112	17	155	54	131	134	61	17	61	118	35	42	7	107
Forgery	242	22	23	8	4	23	4	38	2	23	18	8	2	4	20	3	17	3	20
Rape	264	14	12	12	1	16	------	32	8	5	79	11	6	18	15	6	5	1	23
Prostitution and fornication	738	34	93	53	3	84	7	52	14	125	73	18	14	28	57	19	18	------	46
Drunkenness and disorderly conduct	62,256	3,525	3,531	1,549	453	4,684	354	5,060	1,185	20,825	2,124	3,031	1,852	2,875	2,771	2,183	3,310	209	2,735
Vagrancy	9,378	675	497	114	81	860	96	1,114	116	2,861	411	330	241	331	365	449	410	60	367
Violating liquor laws	1,052	58	87	91	9	48	21	88	16	93	154	131	35	28	68	14	36	6	69
Malicious mischief and trespassing	1,922	458	70	38	5	101	13	141	96	242	192	31	25	148	167	66	32	7	90
Offenses peculiar to children	621	32	29	17	2	25	6	26	16	14	268	9	6	56	70	5	5	------	35
Offense ill-defined or not reported	991	58	49	10	1	47	5	78	28	122	115	279	19	20	55	19	28	4	54
All others	8,012	674	318	155	47	370	66	814	320	944	1,567	316	170	502	776	121	202	32	618

Source: U. S. Bureau of the Census, Prisoners and Juvenile Delinquents in the United States, 1910 (1918).

TABLE 5.—*Commitments of foreign-born white prisoners, Jan. 1–June 30, 1923*

Country of birth	Total	Offense of which convicted											
		Homicide	Rape	Assault	Robbery	Burglary	Larceny	Violating drug laws	Violating liquor laws	Fornication and prostitution	Drunkenness	Disorderly conduct	All other
All countries	31,054	262	178	1,051	157	438	1,441	426	4,227	174	10,186	5,028	7,416
Austria	1,829	14	6	94	10	21	65	13	383	9	521	151	542
Canada	1,726	7	17	26	6	36	91	30	164	20	790	183	376
England and Wales	939	4	7	18	10	17	50	15	47	7	351	178	235
Finland	1,045	3		11	2	1	23		75		733	79	118
Germany	1,345	9	13	38	7	35	87	10	229	5	290	301	321
Greece	521	14	5	22	5	5	32	34	110	5	25	68	196
Hungary	906	5	9	32	2	7	27	1	167	2	169	319	166
Ireland	4,209	7	3	38	7	14	88	7	78	19	2,528	946	474
Italy	3,250	96	36	235	28	56	146	115	830	21	208	381	1,098
Mexico	2,932	30	24	95	21	95	325	173	348	24	529	169	1,099
Norway	1,067		3	10	2	4	20	2	64	3	703	138	118
Poland	3,133	16	19	196	9	39	116	1	598	13	879	724	523
Russia	3,251	16	8	108	19	39	148	39	491	22	619	565	1,177
Scotland	594	2	1	8	6	9	15	1	25	3	313	113	98
Sweden	1,799	3	3	13	5	8	30	1	101	6	1,107	317	205
Other countries	2,508	36	24	107	18	52	178	54	517	15	421	416	670

Source: U. S. Bureau of the Census, Prisoners, 1923 (1926).

TABLE 6.—*Foreign-born white prisoners received, by country of birth, for the United States*

Country of birth	Foreign-born white population 15 years old and over, 1930	Foreign-born white prisoners received, Jan. 1 to June 30, 1933 [1]	State and Federal prisons
All countries	13,069,192	24,717	3,163
England	789,957	515	96
Scotland	334,192	443	42
Wales	58,511	22	4
Ireland	914,694	2,642	107
Norway	343,026	642	40
Sweden	589,681	1,091	58
Denmark	177,128	172	20
Netherlands	129,334	121	21
France	132,889	140	28
Germany	1,578,967	1,252	218
Poland	1,257,326	3,649	262
Czechoslovakia	485,258	338	52
Austria	367,696	1,724	164
Hungary	271,276	533	62
Yugoslavia	209,069	318	70
Russia	1,144,863	2,807	256
Lithuania	192,933	453	37
Finland	141,529	666	27
Rumania	144,004	222	24
Greece	172,250	662	120
Italy	1,750,052	3,246	675
Spain	57,157	192	32
Canada	1,182,621	1,562	469
Mexico	21,706	197	34
South America	27,595	86	47
Other countries	595,378	1,022	198

[1] County and city jails.

Source: U. S. Bureau of the Census, booklets entitled "Prisoners in State and Federal Prisons and Reformatories" (1933), and "County and City Jails" (1933).

TABLE 7.—*Prisoners of foreign white stock received from courts, by country of origin and offense, 1933*

Country of origin	All offenses	Homicide	Robbery	Aggravated assault	Other assault	Burglary	Larceny, except auto theft	Auto theft	Embezzlement and fraud	Stolen property	Forgery	Rape	Other sex offenses	Violating drug laws	Violating liquor laws	Other offenses
Foreign-born white: All countries	3,163	224	389	115	110	394	336	68	221	22	320	108	196	77	200	383
England	96	3	15	4	1	9	5	4	9	1	14	4	10	1	1	15
Scotland	42	1	11	1	1	2	3	1	3	1	9		2	2		5
Wales	4			1	1	1	1									
Ireland	107	4	7	1	4	17	15	4	3		5		9	1	5	32
Norway	40		3	2	3	2	7	2	3		7	2	4		2	3
Sweden	58	2	5	2	2	8	8	2	3	1	7	2	3	1	4	8
Denmark	20		3	1		5	2	1	3		3					2
Netherlands	21	2	1			5	2		1		2	1	3	1		3
France	28	1	2	2		1	3	2	1		5	1	1	5	1	3
Germany	218	10	24	2	4	36	32	8	15		22	8	15	3	16	23
Poland	262	21	24	13	18	54	35	4	6		16	7	14	1	12	37
Czechoslovakia	52	11	4	2	1	7	5	1	4		3	3	5		3	3
Austria	164	12	16	9	5	22	20	1	13	1	23	5	2	2	17	16
Hungary	62	8	11	5	1	4	7		4		1		5	1	2	13
Yugoslavia	70	9	4	3	5	4	4	2	4	3	14	1		4	7	6
Russia	256	10	38	5	9	24	32	5	29	3	27	7	6	5	14	42
Lithuania	37	3	3	4	2	4	4		1	1	2		1		3	9
Finland	27	3	2	1	1	4	3								2	11
Rumania	24	1	4	1		3	5		2	2	1	1			1	3
Greece	120	7	13	10	2	7	8	2	3	1	17	5	12	7	17	9
Italy	675	83	96	31	39	58	41	8	18	6	87	29	39	23	60	57
Spain	32		3			6	10	1			2	1	1	5	1	2
Canada	469	13	68	4	9	77	45	16	81	2	19	15	41	8	15	56
Mexico	34	4	3	2		2	9	1	4		1	2		1	2	3
Central and South America	47	3	10	1		7	6				8	2	4	2	1	3
All other	198	13	19	8	2	25	24	3	11		25	12	19	4	14	19

Source: U. S. Bureau of the Census, Prisoners in State and Federal Prisons and Reformatories: 1933 (1935), table 25, p. 29.

TABLE 8.—*Foreign-born white felony prisoners received from court, by country of birth, 1940, 1945, and 1946*

Country of birth	Total 1940 [1]	Total 1945 [2]	Total 1946 [3]	Country of birth	Total 1940 [1]	Total 1945 [2]	Total 1946 [3]
All countries	2,717	1,714	1,813	Czechoslovakia	22	10	13
				Austria	69	25	27
England and Wales	67	28	51	Hungary	45	19	17
Scotland	29	18	18	Yugoslavia	28	11	13
Ireland	44	29	26	Russia	162	73	71
Norway	30	11	14	Greece	49	16	32
Sweden	32	7	17	Italy	436	151	153
Denmark	23	7	18	Canada	295	185	262
Netherlands	20	4	11	Mexico	817	826	828
France	17	10	12	Central and South America	17	17	15
Germany	115	103	40	All other	257	124	128
Poland	143	40	47				

[1] U. S. Bureau of the Census, Prisoners in State and Federal Prisons and Reformatories: 1940 (1943).
[2] U. S. Bureau of the Census, Prisoners in State and Federal Prisons and Reformatories: 1945 (1947). Excludes statistics for State institutions in Michigan, Georgia, and Mississippi.
[3] U. S. Bureau of the Census, Prisoners in State and Federal Prisons and Reformatories: 1946 (1948). Includes statistics covering year ending May 31 for Pennsylvania, and for Georgia, statistics for year ending Mar. 31, 1947, adjusted to a calendar year basis; excludes statistics for Mississippi.

TABLE 9.—*Population, commitments, and ratio of commitments to population of foreign born, by area, 1910, 1923, and 1933*

	1910	1923 [1]	1933 [1]
Northern and western Europe:			
Population	[2] 6,375,940	5,702,393	[3] 5,048,479
Commitments	[2] 54,567	10,664	[3] 7,674
Commitments per 100,000	855.9	193.8	152.0
Southern Europe:			
Population	[4] 1,343,070	[5] 1,853,534	[6] 1,979,459
Commitments	[4] 7,082	[5] 3,963	[6] 4,927
Commitments per 100,000	527.3	208.4	248.4
Eastern Europe:			
Population	[7] 1,184,382	1,788,201	1,479,325
Commitments	[7] 5,610	4,731	4,492
Commitments per 100,000	473.7	264.5	303.7
Central Europe:			
Population	[8] 2,278,990	2,644,758	2,590,625
Commitments	[8] 14,272	6,410	7,172
Commitments per 100,000	625.7	242.4	276.9
Americas:			
Population	[9] 1,415,872	[9] 1,596,261	1,849,233
Commitments	[9] 13,091	[9] 4,658	[10] 7,185
Commitments per 100,000	924.5	291.8	388.5

[1] Based on census figures compiled 3 years earlier.
[2] Does not include natives of Belgium and the Netherlands.
[3] Does not include natives of Switzerland.
[4] Includes only Italian born.
[5] Does not include natives of Spain.
[6] Does not include natives of Portugal.
[7] Includes only Russian born.
[8] Does not include natives of Czechoslovakia and Yugoslavia.
[9] Does not include Central and South American natives.
[10] Figures for natives of Mexico were determined by application of ratio described in body of report.

NOTE.—Population and commitments in the 1933 enumeration are for persons 15 years of age and over.

APPENDIX VI

STATISTICS ON INSANITY AND MENTAL DEFICIENCY

TABLE 1.—*Aliens excluded from the United States, by principal causes, fiscal years 1939 to 1948*

[NOTE.—Figures represent all excluded at seaports and exclusions of aliens seeking entry for 30 days or longer at land ports]

Causes	Year										Total
	1939	1940	1941	1942	1943	1944	1945	1946	1947	1948	
Idiots and imbeciles	------	2	1	------	2	1	------	2	------	------	8
Feeble-minded	7	8	7	6	8	5	2	4	1	4	52
Insane or had been insane	31	26	15	12	17	22	15	14	23	22	197
Epileptic	10	6	3	1	3	4	10	3	10	9	59
Constitutional psycopathic inferiority	19	12	4	7	4	15	19	9	17	11	117
Surgeon's certificate of mental defect other than above	11	5	5	3	2	3	15	11	20	14	89
Likely to become public charges	1,832	1,296	322	160	95	106	53	33	70	67	4,034
Paupers, professional beggars, and vagrants	46	38	6	1	1	1	3	------	------	------	96

Source: Immigration and Naturalization Service, Annual Report, 1948.

TABLE 2.—*Number of aliens deported in 1948 because of mental and physical defects, by areas*

Country or region:	
Europe	31
Denmark	1
Finland	5
France	1
Germany	1
Great Britain and Northern Ireland	8
Greece	1
Italy	3
Norway	1
Portugal	4
Sweden	3
Yugoslavia	1
Other Europe	2
Asia: China	1
Canada and Newfoundland	22
Mexico	41
West Indies	8
Central America	1
South America	1

Source: Immigration and Naturalization Service, annual report, 1948.

TABLE 3.—*Resident patients at end of year in hospitals for permanent care of psychiatric patients, by type of control of hospital for the United States, 1937 to 1946*

Year	Total	State hospitals		Veterans' hospitals		County and city hospitals		Private hospitals		Rate [1]	
		Resident patients at end of year	Percent of total	Resident patients at end of year	Percent of total	Resident patients at end of year	Percent of total	Resident patients at end of year	Percent of total	Total	State hospitals
1946	529,247	445,561	84.2	48,235	9.1	23,150	4.4	12,301	2.3	382.4	321.9
1945	518,018	438,864	84.7	42,204	8.1	23,850	4.6	13,100	2.5	371.1	344.5
1944	506,346	434,209	85.8	38,623	7.6	21,259	4.2	12,255	2.4	366.7	343.2
1943	500,564	430,958	86.1	39,953	7.2	21,297	4.3	12,356	2.5	366.7	388.2
1942	497,938	432,550	86.9	32,348	6.5	21,256	4.3	11,784	2.4	369.8	330.5
1941	490,506	417,315	85.1	30,443	6.2	31,812	6.5	10,936	2.2	368.2	317.2
1940	480,637	410,427	85.4	29,951	6.2	29,581	6.2	10,678	2.2	364.2	311.0
1939	472,385	400,017	84.7	28,653	6.1	32,463	6.9	11,252	2.4	360.9	305.6
1938	457,983	384,573	84.0	26,599	5.8	35,980	7.9	10,831	2.4	352.8	296.2
1937	445,031	374,043	84.0	24,483	5.5	34,829	7.8	11,676	2.6	345.5	290.4

[1] Represents number of resident patients per 100,000 of the estimated population as of July 1, of the year specified.

Source: U. S. Bureau of the Census, Patients in Mental Institutions (1946), p. 11.

TABLE 4.—*First admissions, with rates, historical, to hospitals for permanent care of psychiatric patients by type of control of hospital, for the United States, 1937 to 1946*

Year	Total	State hospitals		Veterans' hospitals		County and city hospitals		Private hospitals		Rate [1]	
		First admissions	Percent of total	First admissions	Percent of total	First admissions	Percent of total	First admissions	Percent of total	Total	State hospitals
1946	153,025	89,299	58.4	30,136	19.7	3,018	2.0	30,572	20.0	[2]110.6	[2] 64.5
1945	141,718	85,426	60.3	26,640	18.8	3,517	2.5	26,135	18.4	101.5	[2] 67.0
1944	128,475	83,723	65.2	21,011	16.4	3,098	2.4	20 643	16.1	93.0	[2] 66.2
1943	118,402	82,650	69.8	12,159	10.3	2,912	2.5	20,681	17.5	86.7	[2] 64.9
1942	114,102	84,835	74.4	6,280	5.5	3,375	3.0	19,712	17.2	84.7	[2] 64.8
1941	113,181	84.201	74.4	5,320	4.7	6,968	6.2	16.692	14.7	86.0	[2] 64.0
1940	109,565	81,899	74.7	5,841	5.3	5,851	5.3	15,974	14.6	83.0	62.1
1939	110,773	81,655	73.7	6,126	5.5	7,713	6.1	16,279	14.7	84.6	62.4
1938	110,323	79,408	72.0	6,142	5.6	8,133	7.4	16,640	15.1	85.0	61.2
1937	110,082	78,217	71.1	4,445	4.0	8,569	7.8	18,851	17.1	85.0	60.7

[1] Represents number of first admissions per 100,000 of the estimated population as of July 1 of the specified year.

[2] Based on estimated civilian population as of July 1.

Source: U. S. Bureau of the Census, Patients in Mental Institutions (1946), p. 12.

TABLE 5.—*Relative incidence of institutionalized mental patients in various European countries*

Country	Year	Rate per 10,000 of the general population, aged 15 years and over	
		Patients in mental institutions	Hospital beds available
England	1931	47.7	41.1
Holland	1930	40.3	----
Sweden	1930	37.8	33.9
Belgium	1930	34.0	----
Norway	1932	33.1	27.9
France	1931	28.6	----
Austria	1934	25.9	23.9
Finland	1934	25.8	----
Italy	1931	25.0	----
Czechoslovakia	1930	12.9	10.8
Poland	1931	7.0	6.0

Source: C. Landis and J. D. Page, Society and Mental Disease, table 7, p. 169.

TABLE 6.—*Rate of admissions to mental institutions in various European countries of the general population, age 15 and over, 1920 to 1934*

Period	Rate per 100,000 of the general population			
	England	Norway	Belgium	France
1920 to 1924	80	60	69	69
1925 to 1929	75	63	69	71
1930 to 1934	78	59	78	72

Source: C. Landis and J. D. Page, Society and Mental Disease, table 12.

TABLE 7.—*Relative incidence of mental disease in various European countries as indicated by the rejection from military service because of nervous or mental disease*

Country	Rejections per 100 conscripts	
	Year	Number
Sweden	1934	0.92
Germany	1935	.95
Estonia	1924	.98
Holland	1934	1.01
Finland	1933	1.03
Belgium	1934	1.03
Poland	1932	1.07

Source: C. Landis and J. D. Page, Society and Mental Disease, table 9.

APPENDIX VII

STATISTICS ON RELIGIOUS AFFILIATION

TABLE 1A.—*World religion*

Sect	North America	South America	Europe	Asia	Africa	Oceania	Total
Catholics:							
Roman	47,056,724	60,836,143	203,944,823	9,213,413	6,866,072	1,858,488	329,775,663
Orthodox	1,208,157	.....	112,447,669	8,196,071	5,868,089	.....	127,629,986
Protestants	41,943,104	657,481	81,767,054	4,422,777	2,782,864	6,372,250	137,945,530
Jews [1]	4,971,261	226,958	9,372,666	572,930	542,869	26,954	15,713,638
Mohammedans	1,400	.....	5,672,225	138,209,144	55,538,211	21,467,868	220,978,848
Others	79,020,577	22,124,607	137,981,585	956,607,018	76,301,961	46,868,506	1,318,914,254
Total	174,291,223	83,855,189	551,186,022	1,117,221,353	147,900,066	76,594,069	2,150,957,919

[1] While the World Almanac statistics above show a total of 15,713,638 persons of Jewish belief, the American Jewish Yearbook for 1946-47 indicates a total world Jewish population of approximately 11,000,000. The Yearbook states (p. 599): "It has been estimated that world Jewish population has decreased by one-third, from about 16,600,000 in 1939, to about 11,000,000 in 1946. In Europe, only an estimated 3,642,000 remain of the total prewar population of 9,740,000. The major part of the present world Jewish population now lives in the United States—approximately 5,000,000. Other world Jewish population is as follows: Canada, 176,500; Central and South America, 578,000; Asia, 892,000; Africa, 640,000; Australia, 35,000."

Source: World Almanac, 1949, p. 289.

TABLE 1B.—*World religion*

Sect	Africa	Asia	Europe	Oceania	North America	South America	Total
Confucianists and Taoists	.....	350,000,000	.....	.....	600,000	.....	350,600,000
Hindus	.....	230,000,000	.....	.....	150,000	.....	230,150,000
Buddhists	.....	150,000,000	.....	.....	180,000	.....	150,180,000
Animists	90,500,000	45,000,000	.....	100,000	50,000	.....	135,650,000
Shintoists	.....	25,000,000	.....	.....	.....	.....	25,000,000
Total	90,500,000	800,000,000	.....	100,000	980,000	.....	891,580,000

Source: Whitaker's Almanac, 1947, p. 469.

TABLE 2.—*Religious bodies—Denominations, by number of churches and by membership, 1926 and 1936*

Denomination	Churches reporting members		Number of members		Membership by age, 1936		
	1926	1936	1926	1936	Under 13 years	13 years and over	Age not reported
All denominations	232,154	199,302	54,576,346	55,807,366	7,852,273	36,739,178	11,215,915
Adventists (6 bodies)	2,576	2,536	146,177	165,815	4,247	151,037	10,531
Baptist bodies	60,192	49,478	8,440,922	8,262,287	550,731	6,841,818	869,738
Northern Baptist Convention	7,611	6,284	1,289,966	1,329,044	60,691	1,114,460	153,893
Southern Baptist Convention	23,374	13,815	3,524,378	2,700,155	135,152	2,181,625	383,378
American Baptist Association	1,431	1,064	117,858	115,022	2,076	93,955	18,991
Negro Baptist	22,081	23,093	3,196,623	3,782,464	339,975	3,170,103	272,386
Free Will Baptists	1,024	920	79,592	76,643	1,095	65,386	10,162
Primitive Baptists	2,267	1,726	81,374	69,157	220	60,132	8,805
All other (15 bodies)	2,404	2,576	151,131	189,802	11,522	156,157	22,123
Brethren, German Baptist (Dunkers) (4 bodies)	1,279	1,381	158,248	188,290	13,511	158,118	16,661
Church of Christ, Scientist	1,913	2,113	202,098	268,915	.....	268,915	.....
Church of the Nazarene	1,444	2,197	63,558	136,227	8,472	120,030	7,725
Churches of Christ	6,226	3,815	433,714	309,551	748	23,693	285,110

TABLE 2.—*Religious bodies—Denominations, by number of churches and by membership, 1926 and 1936*—Continued

Denomination	Churches reporting members		Number of members		Membership by age, 1936		
	1926	1936	1926	1936	Under 13 years	13 years and over	Age not reported
Congregational and Christian Churches [1]	.....	5,390	.....	976,388	19,657	737,665	219,066
Disciples of Christ	7,648	5,506	1,377,595	1,196,315	76,783	980,815	138,717
Eastern Orthodox Churches	446	659	259,394	356,638	66,242	197,685	92,711
Greek Orthodox Church	153	241	119,495	189,368	28,712	87,027	73,629
Russian Orthodox Church	199	229	95,134	89,510	18,572	54,745	16,193
All other (9 bodies)	94	189	44,765	77,760	18,958	55,913	2,889
Evangelical Church	2,054	1,695	206,080	212,446	10,197	194,697	7,552
Evangelical Congregational Church	153	160	20,449	23,894	920	22,218	756
Evangelical and Reformed Church	2,996	2,875	675,804	723,877	55,493	490,046	178,338
Federated Churches	361	508	59,977	88,411	2,477	73,478	12,456
Friends (4 bodies)	885	717	110,422	93,697	11,906	79,866	1,925
Jewish Congregations	3,118	3,728	4,081,242	4,641,184	.....	.....	4,641,184
Latter-day Saints	1,867	2,072	606,561	774,169	173,580	596,367	4,222
Church of Jesus Christ of Latter-day Saints	1,275	1,452	542,194	678,217	168,668	509,452	97
Reorganized Church of Jesus Christ of Latter-Day Saints	592	567	64,367	93,470	4,861	84,512	4,097
All other (4 bodies)	.....	53	.....	2,482	51	2,403	28
Lutheran bodies	8,996	14,788	2,606,533	4,244,890	1,019,194	3,081,889	143,807
American Lutheran Conference [2]	.....	5,855	.....	1,424,442	350,780	1,023,013	50,649
Evangelical Lutheran Synodical Conference of North America [3]	4,752	4,926	1,292,620	1,463,482	390,261	1,056,647	16,574
United Lutheran Church in America	3,650	3,484	1,214,340	1,286,612	261,481	949,928	75,203
All other (9 bodies)	594	523	99,573	70,354	16,672	52,301	1,381
Mennonites (17 bodies)	826	913	87,164	114,337	2,846	99,454	12,037
Methodist bodies	60,644	42,327	8,079,619	7,001,637	601,834	5,505,090	894,713
Methodist Episcopal Church	26,130	18,349	4,080,777	3,509,763	237,451	2,870,106	402,206
Methodist Protestant Church	2,239	1,498	192,171	148,288	8,262	124,963	15,163
Methodist Episcopal, South	18,096	11,454	2,487,694	2,061,683	189,988	1,561,805	309,890
African Methodist Episcopal	6,708	4,578	545,814	493,357	57,605	364,274	71,478
African Methodist Episcopal Zion	2,466	2,252	456,813	414,244	65,820	332,376	16,048
Colored Methodist Episcopal	2,518	2,063	202,713	269,915	36,201	160,836	72,878
All other (15 bodies)	2,487	2,133	113,637	104,387	6,507	90,830	7,050
Polish National Catholic Church	91	118	61,574	63,366	13,584	42,173	7,609
Presbyterian bodies	14,744	12,685	2,532,010	2,513,653	98,708	2,107,847	307,098
Presbyterian Church in the United States of America	8,947	7,789	1,894,030	1,797,927	58,458	1,494,053	245,416
Cumberland Presbyterian Church	1,097	699	67,938	49,975	2,813	44,855	2,307
United Presbyterian Church	901	778	171,571	170,967	5,821	155,165	9,981
Presbyterian Church in the United States	3,365	2,967	357,769	449,045	28,506	377,938	42,601
All other (6 bodies)	434	452	40,702	45,739	3,110	35,836	6,793
Protestant Episcopal Church	7,299	6,407	1,859,086	1,735,335	289,082	1,150,318	295,935
Reformed bodies	973	986	256,265	299,694	40,884	248,805	10,005
Reformed Church in America	717	695	153,739	184,536	10,847	171,958	1,731
All other (2 bodies)	256	291	102,526	115,158	30,037	76,847	8,274
Roman Catholic Church	18,940	18,409	18,605,003	19,914,937	4,650,061	12,316,771	2,948,105
Salvation Army	1,052	1,088	74,768	103,038	30,209	72,829	.....
Spiritualists (4 bodies)	611	424	50,631	27,352	2,242	21,703	3,407
Unitarians	353	305	60,152	59,228	1,219	57,274	735
United Brethren (3 bodies)	3,375	2,762	395,885	392,897	27,580	344,365	20,952
Universalist Church	498	339	54,957	45,853	760	35,143	9,950
All other denominations	20,594	12,951	3,010,458	873,045	79,106	719,069	74,870

[1] Represents the merger of the Congregational Churches and the General Convention of the Christian Church. As it was formed since the Census of Religious Bodies, 1926, no comparative data are available.

[2] Represents the federation of 5 separate bodies—namely, American Lutheran Church, Evangelical Lutheran Augustana Synod of North America, Norwegian Lutheran Church of America, Lutheran Free Church, and United Danish Evangelical Lutheran Church in America. As it was formed since the Census of Religious Bodies, 1926, no comparative data are available.

[3] Includes 5 synods, of which the largest is the Synod of Missouri, Ohio, and other States.

Source: Department of Commerce, Bureau of the Census; Religious Bodies, Pt. I.

TABLE 3.—*Religious bodies—Number of churches and membership*

[Compiled from reports submitted by various religious bodies to Yearbook of American Churches, representing latest estimates of the various groups. Definition of membership differs broadly for various bodies]

Religious body	All churches				Churches of 50,000 or more membership, 1947 [1]
	Year	Number of churches reported	Church membership	Membership 13 years of age and over	
Total		253,762	72,492,669	59,717,107	73,673,182,
SUMMARY					
Roman Catholic Church		14,791	23,419,701	17,330,558	24,402,124
Eastern Orthodox Churches		834	686,287	502,730	575,000
Jewish congregations		3,728	4,641,184	3,341,652	4,641,000
"Protestant" bodies over 50,000		212,336	41,943,104	36,942,911	43,635,058
Other bodies		22,073	1,802,393	1,599,256	420,000
INDIVIDUAL BODIES					
Seventh Day Adventists	1944	2,531	194,832	194,832	208,030
Assemblies of God	1944	5,055	227,349	227,349	241,782
Baptist bodies:					
Northern Baptist Convention	1944	7,348	1,555,914	1,478,111	1,592,349
Southern Baptist Convention	1944	25,965	5,667,926	5,384,530	6,079,305
National Baptist Convention, U. S. A., Inc.	1944	24,460	4,021,618	3,700,078	4,122,315
National Baptist Convention of America	1944	7,286	2,352,339	2,117,091	2,575,621
American Baptist Association	1936	1,064	115,022	93,955	115,022
Free Will Baptist	1940	1,102	118,871	117,130	221,317
Church of the Brethren	1944	1,019	180,287	176,100	182,497
Church of Christ, Scientist	1936	2,113	268,915	268,915	268,915
Church of God (Anderson, Ind.)	1942	1,412	83,875	71,293	95,325
Church of God in Christ	1944	2,000	300,000	250,000	300,000
Church of the Nazarene	1944	2,965	187,082	187,082	201,487
Churches of Christ	1936	3,815	309,551	309,551	309,551
Congregational Christian Churches	1943	[2] 5,753	[2] 1,075,401	1,075,401	1,140,824
Disciples of Christ	1944	7,917	1,672,354	1,504,115	1,889,066
Eastern Orthodox Churches:					
Greek Orthodox Church (Hellenic)	1944	280	250,000	200,000	275,000
Russian Orthodox Church	1942	300	300,000	200,000	300,000
Evangelical and Reformed Church	1943	2,835	675,958	675,958	695,029
Federated Churches	1936	508	88,411	88,093	88,411
Religious Society of Friends	1943–44	862	114,069	97,975	113,465
Jewish congregations	1936	3,728	4,641,184	3,341,652	4,641,000
Latter Day Saints:					
Church of Jesus Christ of Latter Day Saints	1944	1,757	870,346	728,665	911,279
Reorganized Church of Jesus Christ of Latter Day Saints	1944	563	113,064	102,071	116,888
Lutherans:					
American Lutheran Conference:					
American Lutheran Church	1944	1,834	584,499	413,289	601,839
Evangelical Lutheran Augustana Synod of North America	1943	1,123	373,163	279,530	396,999
Evangelical Lutheran Church (formerly Norwegian)	1943	2,522	595,034	422,383	661,355
Lutheran Synodical Conference of North America:					
Evangelical Lutheran Synod of Missouri, Ohio, and other States	1944	4,073	1,356,655	948,371	1,422,513
Evangelical Lutheran Joint Synod of Wisconsin and other States	1943	914	324,492	191,008	259,097
United Lutheran Church of America	1943	3,762	1,690,204	1,213,985	1,748,183
Methodist bodies:					
African Methodist Episcopal Church	1942	7,265	868,735	667,035	868,735
African Methodist Episcopal Zion Church	1944	2,252	489,244	382,316	489,244
Colored Methodist Episcopal Church	1944	4,400	382,000	321,000	381,000
The Methodist Church	1944	41,067	8,046,129	7,400,000	8,430,146
Polish National Catholic Church	1944	146	250,000	200,000	250,000
Presbyterian bodies:					
Presbyterian Church in the United States	1944	3,500	565,853	519,157	596,037
Presbyterian Church in the United States of America	1944	8,462	2,040,399	1,960,399	2,174,530
United Presbyterian Church of North America	1944	847	193,637	174,273	198,815
The Protestant Episcopal Church	1944	7,894	2,227,524	1,501,777	2,155,514
Reformed bodies:					
Christian Reformed Church	1944	310	128,914	71,831	134,608
Reformed Church in America	1944	736	169,390	169,390	176,244

[1] Compiled by the Christian Herald, published June 1947.

[2] Data for 1944 as reported in the Year Book of the Congregational Christian Churches, 1944: Number of churches, 5,875; membership, 1,113,930.

TABLE 3.—*Religious bodies—Number of churches and membership*—Continued

Religious body	All churches				Churches of 50,000 or more membership, 1947 [1]
	Year	Number of churches reported	Church membership	Membership 13 years of age and over	
INDIVIDUAL BODIES—continued					
The Roman Catholic Church	1944	[2] 14,791	[2] 23,419,701	17,330,558	24,402,124
The Salvation Army	1944	1,474	206,329	91,664	205,881
International General Assembly of Spiritualists	1945	236	100,000	100,000	100,000
Evangelical United Brethren [4]	1944	4,742	689,361	639,373	705,102
Other bodies	-------	28,774	2,405,038	2,129,821	630,738

[1] Compiled by the Christian Herald, published June 1947.
[2] Data for 1945 as reported in the Official Catholic Directory, 1945: Number of churches, 14,302; membership, 23,963,671.
[4] Union of Evangelical Church and United Brethren in Christ (1946).

Source: Yearbook of American Churches; issued biennially under auspices of the Federal Council of the Churches of Christ in America.

TABLE 4.—*Religious bodies—value of church edifices, expenditures, and number and membership of Sunday Schools, 1936*

Denomination	Value of church edifices		Expenditures during year		Sunday schools	
	Churches reporting	Amount	Churches reporting	Amount	Churches reporting	Number of scholars
All denominations	173,754	$3,411,875,467	188,766	$518,953,571	162,233	18,389,001
Adventists (6 bodies)	1,758	8,776,620	2,417	6,574,658	1,845	119,756
Baptist bodies	44,251	389,661,696	47,517	55,779,246	42,906	4,382,097
Northern Baptist Convention	5,922	167,576,463	6,168	19,577,463	5,934	892,872
Southern Baptist Convention	12,370	117,766,295	13,521	19,630,844	12,161	1,664,105
American Baptist Association	848	1,507,798	1,020	352,529	798	50,008
Negro Baptists	21,045	93,798,181	22,652	14,978,506	21,976	1,656,638
Free Will Baptists	692	1,090,779	843	192,620	699	42,455
Primitive Baptists	1,365	2,180,047	1,054	157,530	41	2,631
All other (15 bodies)	2,009	5,742,133	2,259	889,754	1,297	73,388
Brethren, German Baptist (Dunkers) (4 bodies)	1,243	9,900,815	1,333	1,720,956	1,104	138,123
Church of Christ, Scientist	1,544	65,361,301	2,076	10,429,418	1,742	139,758
Church of the Nazarene	1,701	8,987,961	2,152	3,797,224	2,098	226,608
Churches of Christ	2,932	10,717,977	3,533	2,274,432	2,935	191,150
Congregational and Christian Churches	4,984	149,755,041	5,031	16,110,465	4,815	526,907
Disciples of Christ	5,083	88,070,194	5,364	11,273,964	5,171	761,257
Eastern Orthodox Churches	526	13,704,081	636	1,991,039	299	21,549
Greek Orthodox Church	167	6,688,227	240	1,013,132	129	13,553
Russian Orthodox Church	216	4,936,350	226	591,353	101	4,293
All other (9 bodies)	143	2,079,504	170	386,554	69	3,703
Evangelical Church	1,660	21,043,229	1,687	4,057,521	1,559	248,666
Evangelical Congregational Church	155	3,296,423	160	461,969	155	30,193
Evangelical and Reformed Church	2,697	77,581,798	2,822	9,325,381	2,661	480,909
Federated Churches	477	10,870,046	492	1,408,560	484	61,502
Friends (4 bodies)	630	5,356,674	696	898,788	591	52,057
Jewish Congregations	2,024	123,284,677	2,159	14,404,427	1,028	104,392
Latter-Day Saints	1,434	20,774,350	1,935	3,373,466	1,906	293,685
Church of Jesus Christ of Latter-day Saints	1,040	19,064,244	1,416	2,963,690	1,431	264,321
Reorganized Church of Jesus Christ of Latter Day Saints	380	1,615,126	480	399,010	449	28,451
All other (4 bodies)	14	94,980	39	10,766	26	913

TABLE 4.—*Religious bodies—value of church edifices, expenditures, and number and membership of Sunday Schools, 1936*—Continued

Denomination	Value of church edifices		Expenditures during year		Sunday schools	
	Churches reporting	Amount	Churches reporting	Amount	Churches reporting	Number of scholars
Lutheran bodies	13,472	$279,428,601	14,485	$43,431,160	12,373	1,376,102
American Lutheran Conference	5,524	81,027,758	5,799	13,187,871	4,909	444,417
Evangelical Lutheran Synodical Conference of North America	4,175	78,292,729	4,726	15,433,728	3,821	289,795
United Lutheran Church in America	3,384	117,577,984	3,468	14,366,739	3,334	627,181
All other (9 bodies)	389	2,530,130	492	442,822	309	14,709
Mennonites (17 bodies)	696	4,707,432	840	1,111,773	685	113,136
Methodist bodies	39,853	546,194,814	41,637	79,563,248	37,010	4,547,531
Methodist Episcopal Church	17,719	345,402,555	18,157	46,231,459	16,228	2,515,181
Methodist Protestant Church	1,419	12,533,926	1,463	1,704,717	1,331	121,983
Methodist Episcopal, South	10,740	137,567,532	11,300	21,558,363	9,374	1,261,966
African Methodist Episcopal	4,078	20,710,623	4,523	4,059,809	4,207	238,185
African Methodist Episcopal Zion	2,008	14,750,165	2,230	2,319,367	2,059	167,362
Colored Methodist Episcopal	1,979	6,148,826	1,886	1,378,746	1,976	94,668
All other (15 bodies)	1,910	9,031,187	2,078	2,310,787	1,835	148,186
Polish National Catholic Church	108	3,409,265	117	422,188	72	4,091
Presbyterian bodies	11,509	352,755,598	12,015	48,210,689	11,685	1,686,105
Presbyterian Church in the United States of America	7,022	270,404,345	7,272	34,316,610	7,378	1,154,985
Cumberland Presbyterian Church	617	2,160,676	651	376,524	569	35,206
United Presbyterian Church	737	23,076,774	775	3,711,043	758	133,226
Presbyterian Church in the United States	2,762	53,197,115	2,895	9,123,628	2,576	331,833
All other (6 bodies)	371	3,856,678	422	682,884	404	30,855
Protestant Episcopal Church	5,715	266,400,447	6,117	20,288,532	4,929	432,679
Reformed bodies	903	30,326,429	948	5,670,517	924	153,951
Reformed Church in America	627	24,851,873	657	4,010,032	675	119,317
All other (2 bodies)	276	5,474,556	291	1,660,485	249	34,634
Roman Catholic Church	15,661	787,001,357	15,720	139,073,358	8,053	972,891
Salvation Army	828	21,781,052	1,085	6,056,923	1,075	122,463
Spiritualists (4 bodies)	89	934,165	380	296,005	71	2,797
Unitarians	228	19,098,977	300	1,846,760	268	14,879
United Brethren (3 bodies)	2,629	28,253,633	2,730	4,574,149	2,603	337,154
Universalist Church	307	9,286,523	301	824,176	208	12,811
All other denominations	8,657	55,094,206	12,031	14,702,609	10,978	833,202

Source: Department of Commerce, Bureau of the Census; Religious Bodies, pt. I.

TABLE 5.—*Protestant religious bodies with memberships above 50,000*

Denomination	Members 1947	Members 1946
1. Methodist	8,567,772	8,430,146
2. Southern Baptist	6,270,819	6,079,305
3. National Baptist Convention, U. S. A., Inc	4,122,315	4,122,315
4. National Baptist Convention of America	2,580,921	2,575,621
5. Presbyterian Church in the U. S. A	2,234,798	2,174,530
6. Protestant Episcopal	2,160,207	[1] 2,118,980
7. United Lutheran Church in America	1,778,943	1,748,183
8. Disciples of Christ	1,703,010	1,889,066
9. Northern Baptist Convention	1,541,991	1,592,349
10. Evangelical Lutheran Synod of Ohio and other States	1,469,213	1,422,513
11. Congregational Christian	1,157,764	1,140,824
12. Church of Jesus Christ of Latter-Day Saints	916,789	911,279
13. African Methodist Episcopal	868,735	[2] 868,735
14. Evangelical United Brethren	712,616	705,102
15. Evangelical and Reformed	708,382	695,029
16. Evangelical Lutheran Church of America	686,739	661,355
17. Churches of Christ	682,172	[3] 309,551
18. American Lutheran	646,700	601,839
19. Presbyterian, United States	613,701	596,037
20. African Methodist Episcopal Zion	520,175	[4] 489,244
21. Evangelical Lutheran Augustana Synod of North America	408,565	396,999
22. Colored Methodist Episcopal	381,000	381,000
23. Church of God in Christ	300,000	300,000
24. Evangelical Lutheran Joint International Synod of Wisconsin and other States	288,355	[1] 259,097
25. National Association Free Will Baptists	255,127	221,317
26. American Baptist Association	245,861	[5] 115,022
27. Assemblies of God	243,515	241,782
28. Seventh-Day Adventists	215,545	208,030
29. Salvation Army	209,341	205,881
30. Church of the Nazarene	209,277	201,487
31. United Presbyterian of North America	202,605	198,815
32. Church of the Brethren	184,584	182,497
33. Reformed in America	178,318	176,244
34. Christian Reformed	135,788	134,608
35. Reorganized Church of Jesus Christ of Latter-Day Saints	127,381	116,888
36. Religious Societies of Friends	[6] 112,541	113,465
37. Church of God (Anderson, Ind.)	92,604	95,325
38. Church of God (Cleveland, Tenn.)	90,666	77,926
39. Federated	88,411	[5] 88,411
40. Cumberland Presbyterian	76,276	75,427
41. United American Free Will Baptists	75,000	[1] 75,000
42. National Baptist Evangelical Life and Soul Saving Assembly of United States of America	70,843	70,843
43. General Association of Regular Baptist Church, North	70,000	[5] 22,345
44. Primitive Baptists	69,157	[5] 69,157
45. American Unitarian Association	69,104	[6] 66,027
46. Independent Fundamental Churches of America	65,000	65,000
47. International Church of the Four-Square Gospel	56,197	[7] 21,728
48. Mennonite	53,338	52,596
49. Lutheran Free Church	53,325	[8] 48,306
50. Church of Christ, Scientist	(9)	(9)
Total (96.5 percent of Protestant bodies)	44,571,486	43,413,226

[1] A correction of a figure previously published.
[2] As of 1942.
[3] As of 1936.
[4] As of 1940.
[5] Includes all Societies of Friends.
[6] The figure submitted to us last year (74,789) was in error. It should have been as it appears here: 66,027.
[7] As of 1944.
[8] As of 1943.
[9] In the above figures the membership of the Church of Christ, Scientist, is not included; the impossibility of getting anything near an accurate figure is due to a prohibition in this church's manual forbidding "the numbering of people and the reporting of such statistics for publication."

Source: Federal Council of the Churches of Christ of America, Information Bulletin, Nov. 20, 1948, p. 2.

TABLE 6.—*Protestant religious bodies with membership 10,000 to 50,000*

Denomination	Members 1947	Members 1946
51. Evangelical Mission Covenant Church of America	49,003	49,003
52. Universalist Church of America	46,183	47,541
53. Free Methodist Church of North America	45,379	47,008
54. General Conference of the Mennonite Church of North America (Union with Central Conference of Mennonites)	45,200	40,000
55. Colored Primitive Baptists	43,897	43,897
56. Moravian Church in America	43,809	42,332
57. National David Spiritual Temple of Christ Church Union, Inc., USA	40,362	40,287
58. Christian and Missionary Alliance	40,283	40,283
59. Independent Churches	40,275	40,275
60. General Baptists	39,600	39,600
61. United Evangelical Lutheran Church	38,908	37,033
62. Pentecostal Church of God in America	37,048	37,048
63. The Church of God	34,999	34,399
64. Church of God—Saints of Christ	34,045	34,045
65. Advent Christian Church	32,540	30,635
66. Churches of God in North America (general eldership)	31,817	33,563
67. Wesleyan Methodist Church of America	30,662	30,157
68. Colored Cumberland Presbyterian Church	30,000	30,000
69. Finnish Evangelical Lutheran Church (Suomi Synod)	29,153	29,875
70. Pilgrim Holiness Church	27,418	27,268
71. United Baptists	27,000	27,000
72. Evangelical Congregational Church	26,736	26,423
73. Pentecostal Holiness Church	25,780	25,780
74. Plymouth Brethren	25,806	25,806
75. United Holy Church of America	25,000	25,000
76. Associated Reformed Presbyterian Church (general synod)	24,651	24,290
77. Slovak Evangelical Lutheran Church	20,886	21,516
78. Church of God	20,000	20,000
79. Calvary Pentecostal Church, Inc	20,000	20,000
80. Danish Evangelical Lutheran Church of America	19,588	19,428
81. United Pentecostal Church, Inc	19,136	19,136
82. Armenian Orthodox Church, Inc., in America	18,787	18,787
83. Church of the United Brethren in Christ	18,544	15,401
84. Mennonite Brethren Church of North America	18,410	18,000
85. Regular Baptists	17,186	17,186
86. Brethren Church (national fellowship)	16,077	17,406
87. Triumph the Church and Kingdom of God in Christ	15,500	30,000
88. Christian Union	15,400	15,400
89. Finnish Apostles Lutheran Church of America	14,511	14,511
90. Lutheran Synodical Conference (Negro missions)	14,428	11,521
91. Old Mennonite Lancaster Conference	13,477	252
92. Old Order Amish Mennonite	13,182	13,394
93. Independent Fundamental Churches of America	12,337	12,337
94. Evangelical Free Church of America	12,000	12,000
95. Primitive Methodist Church	11,995	12,185
96. Congregational Methodist Church	10,693	10,981
97. Evangelical Free Church Association (formerly Norwegian and Danish Evangelical Free Association of North America)	10,033	10,033
98. Reformed Zion Union Apostolic Church	10,000	4,000
Total, Protestant bodies 10,000 and above	1,257,724	1,242,022
Total, Protestant bodies (above 50,000), carried forward	44,571,486	43,413,226
Total	45,829,210	44,655,248
Total 125 Protestant bodies not tabulated here	320,466	----------
Total 223 Protestant bodies	46,149,676	----------
Total non-Protestant bodies	31,184,820	----------
Total 17 non-Protestant bodies	51,692	----------
Grand total of all religious bodies in the United States of America	77,386,188	----------

Source: Federal Council of the Churches of Christ in America, Information Bulletin, Nov. 20, 1948, p. 3.

TABLE 7.—*Membership non-Protestant religious bodies in the United States*

Denomination	1947	1946
Roman Catholic	25, 268, 173	24, 402, 124
Jewish Congregations	4, 641, 000	[1] 4, 641, 000
Russian Orthodox	300, 000	[2] 300, 000
Greek Orthodox	300, 000	275, 000
Polish National Catholic	250, 000	[3] 250, 000
International General Assembly of Spiritualists	150, 000	100, 000
Serbian Eastern Orthodox Church	75, 000	11, 500
Buddhists of America	70, 000	[4] 70, 000
N. A. Old Roman Catholic Church	47, 500	----------
Ukrainian Orthodox Church in America	39, 500	39, 500
Syrian Antiochian Orthodox	20, 300	20, 300
National Spiritual Church Association, Inc	12, 000	12, 000
Progressive Spiritual Church	11, 347	11, 347
Total	31, 184, 820	30, 132, 771

[1] As of 1936. [2] As of 1940. [3] As of 1942. [4] As of 1944.

Source: Federal Council of the Churches of Christ of America, Information Bulletin, Nov. 20, 1948, p. 4.

APPENDIX VIII

STATISTICS ON RURAL AND URBAN POPULATION

TABLE 1.—*Rural and urban population of the United States, 1790 to 1940*

Census year	Total	Urban	Rural	Percent of increase		
				Total	Urban	Rural
1940	131,669,275	74,423,702	57,245,573	7.2	7.9	6.4
1930	122,775,046	68,954,823	53,820,223	16.1	27.3	4.4
1920	105,710,620	54,157,973	51,552,647	14.9	29.0	3.2
1910	91,972,266	41,998,932	49,973,334	21.0	39.3	9.0
1900	75,994,575	30,159,921	45,834,654	20.7	36.4	12.2
1890	62,947,714	22,106,265	40,841,449	25.5	56.5	13.4
1880	50,155,783	14,129,735	36,026,048	30.1	42.7	25.7
1870	38,558,371	9,902,361	28,656,010	22.6	59.3	13.6
1860	31,443,321	6,216,518	25,226,803	35.6	75.4	28.4
1850	23,191,876	3,543,716	19,648,160	35.9	92.1	29.1
1840	17,069,453	1,845,055	15,224,398	32.7	63.7	29.7
1830	12,866,020	1,127,247	11,738,773	33.5	62.6	31.2
1820	9,638,453	693,255	8,945,198	33.1	31.9	33.2
1810	7,239,881	525,459	6,714,422	36.4	63.0	34.7
1800	5,308,483	322,371	4,986,112	35.1	59.9	33.8
1790	3,929,214	201,655	3,727,559			

Source: Urban population in the United States from the First Census (1790) to the Fifteenth Census (1930), released by the U. S. Bureau of the Census, Oct. 31, 1939. 1940 figures from U. S. Bureau of the Census, special release.

TABLE 2.—*Movement to and from farms, 1920 to 1939*

Year	Persons arriving at farms from cities, towns, and villages	Persons leaving farms for cities, towns, and villages	Net movement from—	
			Cities, towns, and villages to farms	Farms to cities, towns, and villages
1939	805,000	1,063,000		258,000
1938	823,000	1,025,000		202,000
1937	872,000	1,160,000		288,000
1936	719,000	1,166,000		447,000
1935	825,000	1,211,000		386,000
1934	700,000	1,051,000		351,000
1933	944,000	1,225,000		281,000
1932	1,777,000	1,511,000	266,000	
1931	1,546,000	1,566,000		20,000
1930	1,611,000	1,823,000		212,000
1930-39	10,622,000	12,801,000	266,000	2,445,000
1929	1,604,000	2,081,000		477,000
1928	1,698,000	2,120,000		422,000
1927	1,705,000	2,162,000		457,000
1926	1,427,000	2,334,000		907,000
1925	1,336,000	2,038,000		702,000
1924	1,581,000	2,068,000		487,000
1923	1,355,000	2,162,000		807,000
1922	1,115,000	2,252,000		1,137,000
1921	759,000	1,323,000		564,000
1920	560,000	896,000		336,000
1920-29	13,140,000	19,436,000		6,296,000

Source: U. S. Department of Agriculture, Bureau of Agricultural Economics, Farm Population Estimates, Jan. 1, 1940. Released July 1940.

TABLE 3.—*Total immigrant aliens admitted to the United States by State of intended future residence, fiscal years 1937 to 1948*

State:	Number	State—Continued	Number
Alabama	1, 396	Nevada	450
Arizona	4, 033	New Hampshire	2, 210
Arkansas	753	New Jersey	22, 135
California	58, 009	New Mexico	1, 170
Colorado	1, 593	New York	219, 413
Connecticut	8, 837	North Carolina	1, 675
Delaware	622	North Dakota	1, 234
District of Columbia	4, 821	Ohio	14, 739
Florida	7, 660	Oklahoma	1, 413
Georgia	1, 823	Oregon	3, 633
Idaho	961	Pennsylvania	22, 128
Illinois	26, 082	Rhode Island	2, 917
Indiana	4, 283	South Carolina	578
Iowa	2, 005	South Dakota	488
Kansas	1, 344	Tennessee	1, 663
Kentucky	1, 599	Texas	22, 913
Louisiana	3, 536	Utah	1, 002
Maine	4, 947	Vermont	2, 492
Maryland	4, 595	Virginia	2, 857
Massachusetts	23, 501	Washington	10, 041
Michigan	31, 762	West Virginia	1, 481
Minnesota	4, 942	Wisconsin	4, 448
Mississippi	1, 050	Wyoming	395
Missouri	4, 198	All other	3, 188
Montana	1, 474		
Nebraska	1, 094	Total	551, 566

Source: Immigration and Naturalization Service.

TABLE 4.—*Immigrant aliens admitted by State of intended future residence, 1948 and 1949*

Future residence	1947	1948	Future residence	1947	1948
All States	147, 292	170, 570			
Alabama	474	458	Nebraska	396	406
Arizona	889	1, 117	Nevada	169	241
Arkansas	238	238	New Hampshire	749	679
California	18, 089	22, 666	New Jersey	6, 902	8, 457
Colorado	569	594	New Mexico	256	286
Connecticut	3, 165	3, 904	New York	47, 353	54, 056
Delaware	210	271	North Carolina	690	684
District of Columbia	1, 539	1, 473	North Dakota	255	357
Florida	2, 802	3, 064	Ohio	4, 458	4, 809
Georgia	616	564	Oklahoma	505	443
Idaho	240	376	Oregon	1, 124	1, 271
Illinois	7, 340	9, 102	Pennsylvania	6, 925	8, 153
Indiana	1, 341	1, 571	Rhode Island	950	1, 091
Iowa	757	890	South Carolina	349	292
Kansas	523	545	South Dakota	180	253
Kentucky	503	450	Tennessee	545	480
Louisiana	1, 004	982	Texas	5, 487	5, 595
Maine	1, 347	1, 362	Utah	561	1, 077
Maryland	1, 451	1, 493	Vermont	904	803
Massachusetts	7, 112	8, 319	Virginia	1, 081	1, 103
Michigan	7, 575	9, 278	Washington	3, 058	3, 521
Minnesota	1, 300	1, 639	West Virginia	523	564
Mississippi	331	296	Wisconsin	1, 502	1, 870
Missouri	1, 316	1, 393	Wyoming	163	222
Montana	433	489	All other	1, 043	1, 323

Source: Immigration and Naturalization Service, Dec. 14, 1949.

TABLE 5.—*Immigrant aliens admitted to the United States, by specified classes and by rural and urban area and city,[1] fiscal year 1948*

Class of place and city	Total immigrants	War brides, war husbands, their children [2]	Displaced persons [3]	Other immigrants
Total	170,570	23,016	20,755	126,799
Rural	27,377	4,665	1,819	20,893
Urban	46,469	7,498	2,536	36,435
City total	95,196	10,235	16,382	68,579
Los Angeles, Calif	5,962	584	468	4,910
Oakland, Calif	734	207	22	505
San Diego, Calif	656	107	12	537
San Francisco, Calif	4,903	1,000	781	3,122
Bridgeport, Conn	476	53	51	372
Hartford, Conn	653	39	82	532
Washington, D. C	1,473	250	117	1,106
Miami, Fla	1,261	80	40	1,141
Tampa, Fla	293	40	7	246
Chicago, Ill	6,565	739	1,045	4,781
New Orleans, La	639	46	15	578
Baltimore, Md	976	131	195	650
Boston, Mass	1,682	185	89	1,408
Cambridge, Mass	374	37	17	320
Detroit, Mich	5,479	510	402	4,567
Minneapolis, Minn	486	67	53	366
St. Louis, Mo	583	94	82	407
Jersey City, N. J	542	71	65	406
Newark, N. J	947	121	183	643
Paterson, N. J	385	49	42	294
Buffalo, N. Y	1,008	156	73	779
New York, N. Y	38,418	2,531	10,659	25,228
Rochester, N. Y	712	85	76	551
Cincinnati, Ohio	360	67	56	237
Cleveland, Ohio	1,308	159	213	936
Portland, Oreg	603	88	25	490
Philadelphia, Pa	2,757	316	404	2,037
Pittsburgh, Pa	891	149	136	606
Providence, R. I	402	53	30	319
Houston, Tex	398	53	25	320
San Antonio, Tex	538	89	21	428
Salt Lake City, Utah	650	27	15	608
Seattle, Wash	1,540	221	71	1,248
Milwaukee, Wis	551	76	54	421
Other cities	9,991	1,755	756	7,480
Outlying Territories and possessions	1,033	403	3	627
Unknown or not reported	495	215	15	265

[1] Rural, population of less than 2,500; urban, population of 2,500 to 99,999; cities, 100,000 or over.
[2] Alien spouses and alien minor children of citizen members of the United States armed forces admitted under the act of Dec. 28, 1945.
[3] Displaced persons admitted under the President's directive of Dec. 22, 1945.

Source: Immigration and Naturalization Service.

TABLE 6.—*Migration status and type of migration of the population, by urban-rural residence, color, and sex for the United States, civilian population, April 1947*

Migration status, type of migration, and period	Total	Sex		Color		Residence		
		Male	Female	White	Nonwhite	Urban	Rural nonfarm	Rural farm
APRIL 1940 TO APRIL 1947								
Total civilian population, April 1947	142,061,000	70,128,000	71,933,000	127,044,000	15,017,000	83,860,000	30,896,000	27,305,000
Born on or before Apr. 1, 1940	122,633,000	60,218,000	62,415,000	110,099,000	12,534,000	73,359,000	26,122,000	23,152,000
Nonmigrants	96,565,000	47,439,000	49,126,000	86,864,000	9,701,000	58,389,000	19,411,000	18,765,000
Same house	52,136,000	25,425,000	26,711,000	47,065,000	5,071,000	31,444,000	9,642,000	11,050,000
Different house in same country	44,429,000	22,014,000	22,415,000	39,799,000	4,630,000	26,945,000	9,769,000	7,715,000
Migrants	25,469,000	12,491,000	12,978,000	22,740,000	2,729,000	14,452,000	6,656,000	4,361,000
Within a State	13,081,000	6,389,000	6,692,000	12,117,000	964,000	6,512,000	3,696,000	2,873,000
Between contiguous States	4,974,000	2,417,000	2,557,000	4,396,000	578,000	2,914,000	1,268,000	792,000
Between noncontiguous States	7,414,000	3,685,000	3,729,000	6,227,000	1,187,000	5,026,000	1,692,000	696,000
Persons abroad on Apr. 1, 1940	599,000	288,000	311,000	495,000	104,000	518,000	55,000	26,000
Born after Apr. 1, 1940	19,428,000	9,910,000	9,518,000	16,945,000	2,483,000	10,501,000	4,774,000	4,153,000
Nonmigrants	15,193,000	7,793,000	7,400,000	13,185,000	2,008,000	8,305,000	3,583,000	3,305,000
Same house	7,065,000	3,613,000	3,452,000	6,069,000	996,000	3,839,000	1,602,000	1,624,000
Different house in same country	8,128,000	4,180,000	3,948,000	7,116,000	1,012,000	4,466,000	1,981,000	1,681,000
Migrants	4,140,000	2,070,000	2,070,000	3,713,000	427,000	2,118,000	1,175,000	847,000
Within a State	2,190,000	1,073,000	1,117,000	1,999,000	191,000	994,000	631,000	565,000
Between contiguous States	869,000	451,000	418,000	784,000	85,000	413,000	281,000	175,000
Between noncontiguous States	1,081,000	546,000	535,000	930,000	151,000	711,000	263,000	107,000
Persons born abroad	95,000	47,000	48,000	47,000	48,000	78,000	16,000	1,000

Source: U. S. Bureau of the Census, Current Population Reports, Apr. 15, 1948.

TABLE 7.—*Migration status of the civilian population and type of last civilian move of the migrant, by veteran status, age, and sex, for the United States, August 1945 to October 1946*

Veteran status, age, and sex	Total civilian population, October 1946	Migrants by type of last civilian move				
		Nonmigrants	Total	Within a State	Between States	From outside continental United States
Total	138,347,000	127,630,000	10,717,000	5,532,000	5,061,000	170,000
Under 14 years	33,761,000	30,635,000	3,126,000	1,695,000	1,413,000	28,000
14 to 17 years	8,914,000	8,454,000	460,000	254,000	205,000	1,000
18 and 19 years	3,753,000	3,407,000	346,000	158,000	177,000	11,000
20 to 24 years	11,267,000	9,720,000	1,547,000	703,000	805,000	39,000
25 to 44 years	41,651,000	37,851,000	3,801,000	1,913,000	1,844,000	44,000
45 to 46 years	28,767,000	27,677,000	1,090,000	624,000	445,000	21,000
65 years and over	10,234,000	9,887,000	347,000	195,000	126,000	25,000
Total male	67,735,000	62,713,000	5,022,000	2,655,000	2,300,000	68,000
Total veteran	12,803,000	11,302,000	1,501,000	768,000	732,000	2,000
Total nonveteran	54,932,000	51,411,000	3,521,000	1,887,000	1,568,000	66,000
Total female	70,612,000	64,917,000	5,695,000	2,877,000	2,715,000	102,000

Source: U. S. Bureau of the Census, Current Population Reports, series P-20, No. 4, Oct. 7, 1947.

TABLE 8.—*Reason for last civilian move of the migrant civilian population and type of last civilian move, United States, August 1945 to October 1946*

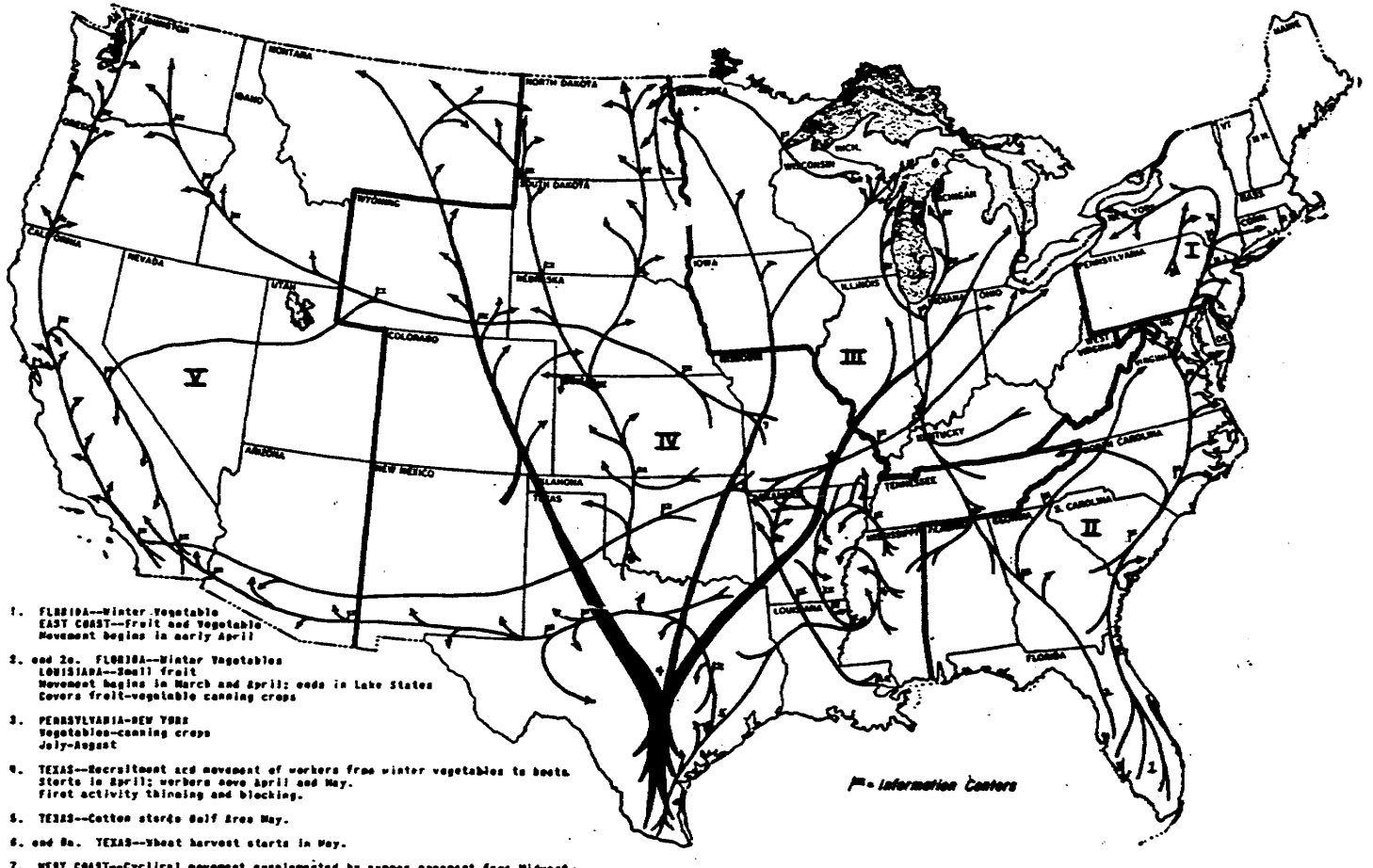
Reason	Total	Type of last civilian move		
		Within a State	Between States	From outside continental United States
Total migrants [1]	10,717,000	5,532,000	6,016,000	170,000
To take a job	1,876,000	985,000	883,000	9,000
To look for work	547,000	200,000	331,000	17,000
Housing problems	683,000	495,000	187,000	----
Change in marital status	473,000	241,000	209,000	23,000
To join head of family [2]	541,000	128,000	373,000	39,000
Moved with head of family by reason head moved	5,604,000	3,011,000	2,568,000	24,000
To take a job	2,961,000	1,554,000	1,422,000	5,000
To look for work	574,000	167,000	401,000	6,000
Housing problems	1,172,000	923,000	249,000	----
Change in marital status	121,000	80,000	41,000	----
Health	131,000	25,000	113,000	----
Other reasons	618,000	263,000	342,000	13,000
Health	133,000	39,000	93,000	----
Other reasons	949,000	463,000	423,000	61,000
Male migrants	5,022,000	2,655,000	2,300,000	68,000
Veteran	1,501,000	768,000	732,000	2,000
Nonveteran	3,521,000	1,887,000	1,568,000	66,000
Female migrants	5,695,000	2,877,000	2,715,000	102,000

[1] The sum of the reasons reported is greater than the total number of migrants since some migrants reported more than one reason for their last civilian move.

[2] Consists of dependents who moved to join the family head. Since these "heads" were usually members of the armed forces, they were not included in the enumeration.

Source: U. S. Bureau of the Census, Current Population Reports, Population Characteristics, Series P-20, No. 4, Oct. 7, 1947.

PATTERN OF MIGRATION



1. FLORIDA--Winter Vegetable
   EAST COAST--Fruit and Vegetable
   Movement begins in early April

2. and 2a. FLORIDA--Winter Vegetables
   LOUISIANA--Small fruit
   Movement begins in March and April; ends in Lake States
   Covers fruit-vegetable canning crops

3. PENNSYLVANIA-NEW YORK
   Vegetables--canning crops
   July-August

4. TEXAS--Recruitment and movement of workers from winter vegetables to beets.
   Starts in April; workers move April and May.
   First activity thinning and blocking.

5. TEXAS--Cotton starts Gulf Area May.

6. and 6a. TEXAS--Wheat harvest starts in May.

7. WEST COAST--Cyclical movement supplemented by summer movement from Midwest
   for hay, grain, fruit, and other harvest.

APPENDIX IX

STATISTICS ON OCCUPATION AND EMPLOYMENT

TABLE 1.—*Persons 14 years old and over, by employment status, 1940*

United States	All classes	Native white	Foreign-born white	Negro	Other races
Employment status:					
Population (all ages)	131,669,275	106,795,732	11,419,138	12,865,518	588,887
Persons 14 and over	101,102,924	80,076,985	11,351,180	9,259,444	415,315
In labor force	52,789,499	41,371,313	5,798,076	5,389,191	230,919
Not in labor force	48,313,425	38,705,672	5,553,104	3,870,253	184,396
Own home housework	28,931,869	23,120,980	3,703,371	2,024,215	83,303
In school	9,013,342	8,099,944	111,146	747,716	54,536
Unable to work	5,268,727	3,562,013	1,084,381	602,381	19,952
In institutions	1,176,993	825,868	182,222	163,045	5,858
Other and not reported	3,922,494	3,096,867	471,984	332,896	20,747
Labor force by employment status:					
In labor force	52,789,499	41,371,313	5,798,076	5,389,191	230,919
Employed (except emergency)	45,166,083	35,448,464	5,046,625	4,479,068	191,926
At work	44,045,137	34,570,162	4,884,923	4,403,794	186,258
With a job	1,120,946	878,302	161,702	75,274	5,668
On emergency work	2,529,606	2,024,795	166,893	319,241	16,677
Seeking work	5,093,810	3,898,054	582,588	590,882	22,316
Experienced workers	4,326,469	3,215,470	564,781	525,909	20,309
New workers	767,341	682,584	17,777	64,973	2,007

Source: U. S. Bureau of the Census, Population, second series, Characteristics of the Population, p. 38, table 16.

TABLE 2.—*Nonwhite population 14 years old and over, by employment status and race, 1940*

Race	Population 14 years old and over	In Labor Force				Not in Labor Force
		Total	Employed except on emergency work	On emergency work	Seeking work	
Negro	9,259,444	5,389,191	4,479,068	319,241	590,882	3,870,253
Native	9,175,911	5,333,078	4,434,399	317,265	581,414	3,842,833
Foreign-born	83,533	56,113	44,669	1,976	9,468	27,420
Indian	211,401	95,395	67,178	15,415	12,802	116,006
Chinese	62,504	41,333	36,992	402	3,939	21,171
Native	26,105	14,960	12,933	318	1,709	11,145
Foreign-born	36,399	26,373	24,059	84	2,230	10,026
Japanese	98,665	56,974	54,899	171	1,904	41,691
Native	51,730	23,236	22,125	143	968	28,494
Foreign-born	46,935	33,738	32,774	28	936	13,197
Filipino	38,936	34,691	30,739	620	3,332	4,245
Hindu	1,843	1,381	1,177	22	182	462
All other	1,966	1,145	941	47	157	821

Source: U. S. Bureau of the Census, Population, Characteristics of the Nonwhite Population by Race (1940), table 7, p. 44.

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TABLE 2A.—*Foreign-born persons 14 years and over, by occupations group, by States, 1940*

Occupations	States																	
	Michigan, Negro	California		New York			New Jersey, Negro	Washington		Oregon		Florida, Negro	Massachusetts		Pennsylvania, Negro	Illinois, Chinese	Colorado, Japanese	Utah, Japanese
		Chinese	Japanese	Negro	Chinese	Japanese		Chinese	Japanese	Chinese	Japanese		Negro	Chinese				
Professional workers	43	130	589	796	56	64	48	6	92	4	30	85	70	15	71	26	-------	6
Semiprofessional workers	7	129	102	163	16	26	11	11	20	6	3	6	12	4	13	3	-------	3
Farmers and farm managers	10	202	4,134	4	3	8	2	19	605	16	269	234	83	4	0	1	329	158
Proprietors, managers, and officials, except farm	34	1,615	3,169	1,287	571	247	40	136	860	99	247	112	68	213	67	193	1	65
Clerical, sales and kindred workers	65	1,306	1,454	2,013	301	197	49	109	312	51	55	102	61	19	63	73	-------	7
Craftsmen, foremen and kindred workers	137	126	386	1,861	36	29	98	12	140	7	42	210	195	1	114	6	-------	35
Operatives and kindred workers	189	1,523	1,340	5,378	2,563	28	213	78	436	15	73	445	647	316	168	315	-------	123
Domestic service workers	141	1,085	1,407	5,967	92	255	488	24	72	23	6	1,636	588	20	176	5	-------	3
Service workers, except domestic	186	2,593	1,619	7,570	2,646	246	306	216	581	173	116	647	890	135	271	250	-------	50
Farm laborers (wage workers) and farm foremen	3	663	4,916	9	14	6	39	7	279	6	149	559	478	0	2	-------	30	41
Farm laborers (unpaid family workers)	-------	12	1,462	-------	-------	-------	-------	1	271	-------	56	50	1	-------	-------	-------	17	12
Laborers, except farm	165	221	2,493	1,587	17	6	195	13	436	19	68	1,207	486	13	205	10	-------	29
Occupation not reported	4	53	137	172	47	12	131	5	24	6	4	23	28	3	7	-------	2	4
Total employed (except emergency work)	984	9,658	23,208	26,797	6,362	1,124	1,502	637	4,128	425	1,118	5,316	3,607	743	1,157	882	379	536

Source: This table represents a combination of the figures presented on 3 tables in the U. S. Bureau of the Census publication, Population, Characteristic of the Nonwhite Population by Race, 1940: On Negroes, p. 73, table 20; on Chinese, table 22, p. 35; on Japanese, p. 107, table 38.

TABLE 3.—*Percentage per occupation*

Usual occupation	Total	Native	Foreign-born	
			All	Alien
1. Professional and semiprofessional workers	100.0	92.5	7.5	1.5
2. Farmers and farm managers	100.0	94.4	5.6	1.2
3. Proprietors, etc	100.0	83.6	16.4	2.7
4. Clerical	100.0	94.6	5.4	1.4
5. Craftsmen	100.0	82.6	17.4	3.6
6. Operatives	100.0	86.3	13.7	4.0
7. Domestic service	100.0	91.2	8.8	4.1
8. Protective service	100.0	90.7	9.3	1.2
9. Service workers (excluding domestic and protective)	100.0	83.6	16.4	5.2
10. Farm laborers and foremen	100.0	95.4	4.6	2.7
11. Laborers, excluding farm and mine	100.0	86.3	13.7	4.6

Source: Computed from figures in the U. S. Bureau of the Census Publication, Population, The Labor Force, Usual Occupations (Sample Statistics) 1940, p. 36, table No. 8.

TABLE 4.—*Percentage of employment divisions by race and citizenship*

	Labor force [3]	Employed [3]	Seeking work [3]
Native white [1]	78.3	78.4	76.5
Foreign-born white [1]	10.9	11.1	11.4
Native Negro [2]	10.1	9.8	11.4
Foreign-born Negro [2]	.1	.09	.18
Native Chinese [2]	.02	.02	.03
Foreign-born Chinese [2]	.04	.05	.04
Native Japanese [2]	.04	.04	.01
Foreign-born Japanese [2]	.06	.07	.01
Total	99.56	99.57	99.57

[1] Source: U. S. Bureau of the Census, Population 2d Series, Characteristics, Summary (1940), table 16, p. 38.

[2] Source: U. S. Bureau of the Census, Population Characteristics of the Non-White Population by Race, 1940, table 7, p. 44.

[3] Labor force, 52,789,499=100 percent; employed, 45,166,083=100 percent; seeking work, 5,093,810=100 percent.

TABLE 5.—*Number and percent of total immigration of persons in selected occupational groupings by nationality, 1945, 1946, 1947*

Race or people	Number admitted 1945-47	Professional and semi-professional workers		Farmers and farm managers		Proprietors, managers, etc.		Domestics		Craftsmen	
		Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent
All races	294,132										
English	77,103	3,792	4.9	349	0.4	1,479	1.9	917	1.1	1,938	2.5
French	21,893	1,615	7.3	444	2.0	434	1.9	668	3.0	733	3.3
German	23,534	2,397	10.1	415	1.7	1,765	7.5	640	2.7	1,580	6.7
Polish	15,634	1,371	8.7	304	1.9	1,082	6.9	152	.9	1,701	10.8
Greek	4,089	141	3.4	59	1.4	236	5.7	34	.8	208	5.0
Italian	19,770	583	2.9	806	4.0	477	2.4	972	4.9	1,244	6.2
Lithuanian	993	155	15.6	20	2.0	55	5.5	7	.7	64	6.4
Irish	15,570	1,522	9.7	262	1.6	315	2.0	824	5.2	683	4.3

Source: Immigration and Naturalization Service, Annual Reports, 1945, 1946, and 1947.

APPENDIX X

ENFORCEMENT AGENCIES

TABLE 1.—*Appropriations and authorized permanent positions, Immigration and Naturalization Service, fiscal years 1938 to 1950*

Item	1938	1939	1940	1941	1942
Appropriation	[1] $9,686,600	[1] $9,760,220	[1] $10,118,900	$19,473,227	$21,650,000
Total permanent positions	3,775	3,771	3,796	6,360	8,019
Permanent positions by principal employee groups:					
Primary inspectors	985	987	998	1,234	1,651
Naturalization examiners	139	139	146	346	443
Investigators [2]	34	22	19	146	257
Deportation examiners [2]	----------	----------	----------	----------	----------
Status examiners [2]	----------	----------	----------	----------	----------
Chairman, boards of special inquiry [2]	----------	----------	----------	----------	----------
Subtotal	1,158	1,148	1,163	1,726	2,351
Supervisory employees	230	230	232	229	279
Miscellaneous officers	15	13	9	11	31
Clerical force	862	872	875	1,584	1,892
Security officers	219	214	213	352	394
Custodial force	248	251	256	286	282
Patrol inspectors	774	773	777	1,531	1,592
Total, field	3,506	3,501	3,525	5,719	6,821
Central office force	269	270	271	641	1,198
Grand total	3,775	3,771	3,796	6,360	8,019

Item	1943	1944	1945	1946
Appropriation	$27,932,500	$28,956,000	$28,300,000	$26,192,400
Total permanent positions	9,401	8,680	8,215	7,897
Permanent positions by principal employee groups:				
Primary inspectors	1,651	1,499	883	1,057
Naturalization examiners	584	349	308	251
Investigators [2]	257	259	417	406
Deportation examiners [2]	----------	4	314	253
Status examiners [2]	----------	----------	----------	----------
Chairmen, boards of special inquiry [2]	----------	----------	----------	----------
Subtotal	2,492	2,111	1,922	1,967
Supervisory employees	318	401	464	429
Miscellaneous officers	50	82	109	123
Clerical force	2,135	2,248	2,225	2,045
Security officers	864	795	685	602
Custodial force	411	368	377	394
Patrol inspectors	1,594	1,324	1,251	1,352
Total, field	7,864	7,329	7,033	6,912
Central office force	1,537	1,351	1,182	985
Grand total	9,401	8,680	8,215	7,897

See footnotes at end of table, p. 860.

TABLE 1.—*Appropriations and authorized permanent positions, Immigration and Naturalization Service, fiscal years 1938 to 1950*—Continued

Item	1947	1948	1949	1950
Appropriation	$28,787,000	$27,000,000	$30,450,000	[3] $30,500,000
Total permanent positions	7,264	6,930	6,784	6,949
Permanent positions by principal employee groups:				
Primary inspectors	1,057	1,096	1,018	1,094
Naturalization examiners	188	164	144	144
Investigators [2]	388	401	457	457
Deportation examiners [2]	189	173	187	187
Status examiners [2]	46	38	33	33
Chairmen, boards of special inquiry [2]	13	21	30	30
Subtotal	1,881	1,893	1,869	1,945
Supervisory employees	401	333	340	337
Miscellaneous officers	71	44	44	47
Clerical force	1,905	1,924	1,916	1,963
Security officers	360	312	302	311
Custodial force	346	376	343	361
Patrol inspectors	1,319	1,160	1,125	1,125
Total, field	6,283	[4] 6,042	5,939	6,089
Central office force	981	888	845	860
Grand total	7,264	[4] 6,930	6,784	6,949

[1] Exclusive of amounts allotted from departmental appropriations, which after 1940 were included in the appropriations of this service.

[2] Only in recent fiscal years have employees assigned to the types of work covered by these titles been so classified and segregated on the force lists of authorized positions. In prior years the investigations and hearings work was performed by primary inspectors, naturalization examiners, and a small number engaged exclusively upon investigations. For ready comparison, the first 6 employee groups are subtotaled.

[3] Exclusive of pending supplemental appropriation of $625,000 to cover cost of the Classification Act of 1949.

[4] Includes 29 positions on alien enemy detentions for part of year.

TABLE 2.—*Immigration and Naturalization Service authorized force, by employee groups and by location, fiscal year 1950*

Employee group	Administrative and supervisory	Primary inspector	Chairmen, boards of special inquiry	Investigator	Deportation examiner	Status examiner	Adjudications examiner	Naturalization examiner	Patrol inspector	Security officer	Clerical	Custodial	Total
Central office:													
Office of the Commissioner [1]	4						1				9		14
Office of the General Counsel	8										7		15
Research and Education Division	12										47		59
Administrative Division	31										399	35	465
Office of Deputy Commissioner	7										4		11
Adjudications Division	10						73				127		210
Enforcement Division	13			7			4				62		86
Districts:													
1. St. Albans	34	206	1	4	5			2	80	4	67	10	413
2. Boston	19	11		36	8	3		19		11	131	17	255
3. New York	46	63	3	110	34	12		30	40	128	541	185	1,192
4. Philadelphia	13	8		20	5			8		3	81	1	139
5. Baltimore	9	18		21	6			5		1	38		98
6. Miami	26	77	2	23	10			6	72	5	128	12	361
7. Buffalo	19	95	1	21	4	1		8	30	2	76	2	259
8. Detroit	21	104	1	32	9	4		11	46	9	119	19	375
9. Chicago	21	79		30	10	4		15	35	4	97	3	298
10.													
11. Kansas City	8	1		16	4			8			33		70
12. Seattle	44	88	2	20	9	2		6	50	22	98	8	349
13. San Francisco	24	38	9	41	12	2		10		40	147	22	345
14. San Antonio	28	129	3	13	27	2		4	322	2	120	23	673
15. El Paso	36	80	2	16	15			1	245	4	118	18	535
16. Los Angeles	34	84	5	53	28	3		9	205	68	150	36	675
17. Honolulu	2	13	1	1	1			2		8	19	5	52
Total authorized force	469	1,094	30	464	187	33	78	144	1,125	311	2,618	396	6,949
Summary:													
Central office	85			7			78				655	35	860
Immigration and naturalization, field	373	1,094	30	457	187	33		144		311	1,873	294	4,796
Border patrol	11								1,125		90	67	1,293
Total authorized force	469	1,094	30	464	187	33	78	144	1,125	311	2,618	396	6,949
Salary range	$3,825 to $10,750	$3,100.20 to $4,228.80	$4,600 to $5,350	$3,825 to $5,750	$4,600 to $5,350	$3,825 to $4,575	$4,600 to $6,400	$3,825 to $6,400	$3,450 to $6,400	$2,900 to $4,525	$2,200 to $4,200	$2,120 to $4,900	$2,120 to $15,000
Grade range, Classification Act of 1949	GS 7 to 15	Grades 1 to 5 [2]	GS 9 only	GS 7 to 10	GS 9 only	GS 7 only	GS 9 to 11	GS 7 to 11	GS 6 to 11	CPC 6 to 9	GS 1 to 6	CPC 2 to 10	GS 1–15, CPC 2–10

[1] The salary of the Commissioner is fixed at $15,000 a year by Pulic Law 359, 81st Cong., approved Oct. 15, 1949.
[2] Present grades fixed by act of May 29, 1928. To be classified under the Classification Act of 1949 not later than May 1, 1950.

Source: Immigration and Naturalization Service.

TABLE 3.—*Mobile equipment, Immigration and Naturalization Service*

Item	Type	Number
Aircraft	Amphibian, 2-motor (observation)	1
	Land plane, single motor (observation)	6
	Total	7
Passenger motor vehicles	Bus (11-passenger or more)	21
	Station wagon and carry-all	31
	Automobiles	845
	Jeeps	38
	Total	935
Trucks		
Boats	Ferry-boat, *Ellis-Island* (length, 160 feet; beam 45 feet)	1
	Speedboat cruiser (length, 63 feet; beam, 15 feet)	1
	Launch (length, 41 feet; beam, 14 feet)	1
	Cruiser (length, 17 to 30 feet)	10
	Out-board motor	14
	Total	27
Horses	Saddle	8

Source: Immigration and Naturalization Service.

TABLE 4.—*Radio communications equipment, Immigration and Naturalization Service*

Fixed radio stations for communicating with mobile units and other fixed stations:	
20 watts power or over	29
Less than 200 watts	23
Total	52
Mobile units (automobiles, airplanes, and boats) with 2-way radio equipment	248
Mobile units with radio receiving equipment only	158

Source: Immigration and Naturalization Service.

TABLE 5A.—*Comparative statistics on specified immigration and naturalization activities*

Activities	Actual		
	1946	1947	1948
Aliens admitted	312,190	513,597	646,576
Aliens departed	204,353	323,422	448,218
United States citizens arrived	274,543	437,690	542,932
United States citizens departed	230,578	448,000	478,988
Vessels boarded by immigration officers	68,445	69,760	63,494
Airplanes boarded by immigration officers	54,903	74,681	85,122
Board of special inquiry hearings	16,541	21,341	18,968
Alien seamen:			
Arrived and examined	676,038	783,571	922,349
Departed	669,406	766,795	891,876
Deserted at American seaports	4,365	4,138	4,353
Ordered held on board vessels	58,705	46,444	39,147
Certified for contagious diseases	1,442	2,057	1,933
Stowaways found on arriving vessels:			
Aliens	869	1,140	1,094
Citizens	307	391	174
Aliens debarred from entering United States:			
Statistical	2,942	4,771	4,905
Nonstatistical (at land border ports)	2,708	2,664	2,208
Aliens deported	14,375	18,663	20,371
Deportable aliens required to depart	101,945	195,880	197,184
Indigent aliens returned to their native land at their own request	21	88	55
Aliens registered (act of Mar. 2, 1929)	7,262	5,298	4,768
Reentry permits issued	22,838	36,976	45,590

TABLE 5A.—*Comparative statistics on specified immigration and naturalization activities*—Continued

Activities	Actual		
	1946	1947	1948
Reentry permits extended	2,866	6,009	8,313
Inward movement over international boundaries	74,240,190	77,350,266	81,323,823
Aliens	37,085,718	38,921,170	40,305,105
Citizens	37,154,472	38,429,096	41,018,718
Investigations	----------	96,187	240,630
Re temporary stay	(1)	(1)	31,685
Alien registration	(1)	[2] 6,563	7,472
Citizenship	(1)	[2] 10,720	24,661
Miscellaneous	(1)	[2] 25,061	53,210
Re suspension of deportation (sec. 19c)	(1)	(1)	(1)
Investigations conducted contemplating warrants of arrest	(1)	[2] 53,843	123,602
Warrants of arrest served	31,505	30,351	37,508
Warrant hearings conducted	19,361	25,648	31,540
Naturalization:			
Application, declarations of intention	34,032	61,705	79,216
Declarations filed with courts	28,787	37,648	60,187
Applications, petitions for naturalization	122,196	114,475	89,427
Petitions filed with courts	123,864	83,433	68,265
Applications, derivative citizenship certificates	18,484	20,573	19,733
Applications, registry of record of arrival	7,185	6,828	6,480
Applications for new naturalization	9,648	11,437	9,962
Depositions taken	15,253	14,649	14,896
Miscellaneous applications	91,006	85,906	108,119

[1] Comparable statistics for prior years not available.
[2] Covers 6 months only. Based on revised reporting system.

Source: Hearings before the House Subcommittee on Appropriations, 81st Cong., 1st sess., Department of Justice appropriation bill for 1950, p. 196.

TABLE 5B.—*Force and work-load inspection for admission into the United States*

Activity	1949 actual	1950 estimate	1951 estimate
Positions:			
Supervisory	67	67	67
Immigrant inspectors	1,018	1,094	1,094
Chairmen, boards of special inquiry	30	30	30
Clerks, etc	210	231	231
Pro rata of positions assigned to general activities	454	454	454
Total	1,779	1,876	1,876
Work load:			
Aliens admitted	[1] 735,000	800,000	825,000
Aliens departed	[1] 490,000	525,000	550,000
Citizens arrived	[1] 607,000	640,000	660,000
Citizens departed	[1] 535,000	600,000	630,000
Board of special inquiry hearings	17,042	17,100	17,100
Preexamination hearings	3,555	3,600	3,600
Alien seamen examined (arrived)	960,099	975,000	985,000
Alien seamen departed	921,187	935,000	945,000
Vessels boarded (arrived)	62,022	65,000	65,000
Aircraft examined (arrived)	93,723	99,000	102,000
Stowaways found on arriving vessels:			
Aliens	718	700	700
Citizens	96	100	100
Aliens registered (act of Mar. 2, 1929)	4,294	4,000	4,000
Reentry permits issued	51,481	57,000	63,000
Reentry permits extended	9,494	10,500	11,000
Entries over the international boundaries	85,400,278	89,000,000	93,000,000
Aliens	40,077,743	40,000,000	40,000,000
Citizens	45,322,535	49,000,000	53,000,000

[1] Preliminary figures.

Source: Immigration and Naturalization Service.

TABLE 6.—*Force and work load, detention and deportation*

	1949 actual	Pending June 30, 1949	1950 estimate	1951 estimate
Positions:				
Supervisory	19	.....	19	19
Deportation examiners	187	.....	187	187
Miscellaneous officers	13	.....	13	13
Clerical	307	.....	324	324
Security officers	302	.....	311	311
Custodial and marine force	225	.....	234	234
Pro rata of positions assigned to general activities	360	.....	360	360
Pro rata of central office	67	.....	68	68
Total	1,480	.....	1,516	1,516
Work load:				
Aliens deported	20,040	.....	20,100	20,100
Deportable aliens required to depart	276,297	.....	300,000	300,000
Indigent aliens returned to their native land at their own request	128	.....	100	100
Warrants of arrest served	37,489	5,114	37,500	37,500
Warrant hearings conducted	30,049	7,978	30,000	30,000
Average number of aliens in detention	2,105	.....	2,100	2,100
Aliens placed on parole	8,111	.....	8,700	9,000
Aliens removed from parole	6,614	.....	6,500	6,000
Unexecuted warrants of deportation pending at end of year	6,990	.....	7,000	7,500

Source: Immigration and Naturalization Service.

TABLE 7.—*Force and work load, investigating aliens' status*

Positions	1949, actual	1950, estimate	1951, estimate
Supervisory	15	15	15
Investigators	457	457	457
Clerks, etc.	202	213	213
Pro rata of positions assigned to general activities	231	231	231
Total	905	916	916

Work load	Actual, 1949			Estimate					
				1950			1951		
	Received	Completed	On hand	Received	Completed	On hand	Received	Completed	On hand
Investigations re:									
Suspension of deportation (sec. 19c)	17,106	13,727	6,258	18,900	18,000	7,158	19,900	18,000	9,058
Warrants of arrest on subversive charges	2,124	1,421	1,156	3,700	3,000	1,856	3,900	3,000	2,756
Warrants of arrest on other charges	101,791	179,180	12,282	128,300	129,000	11,582	138,400	129,000	20,982
Visitors, transits, students and treaty merchants	32,789	49,008	8,381	37,400	38,000	7,781	39,700	38,000	9,481
Smuggling	1,510	1,657	53	2,300	2,000	353	2,500	2,000	853
Applicants under sec. 4 of Displaced Persons Act	3,850	2,461	1,467	2,200	3,000	667	1,800	1,000	1,467
Alien registration	11,619	11,804	841	13,000	13,000	841	13,600	13,000	1,441
Parole	1,816	1,542	442	2,100	2,000	542	2,200	2,000	742
Citizenship and naturalization, involving—									
Possible cancellation	1,333	1,105	830	1,700	1,500	1,030	1,800	1,500	1,330
Pending petitions	10,346	10,344	2,551	10,200	10,000	2,751	10,300	10,000	3,051
Other naturalization questions	9,312	9,059	1,091	9,700	9,500	1,291	9,800	9,500	1,591
Miscellaneous subjects	38,895	40,146	4,737	41,500	40,000	6,237	43,100	40,000	9,337
Total	232,491	321,454	40,089	271,000	269,000	42,089	287,000	267,000	62,089

Source: Immigration and Naturalization Service.

TABLE 8.—*Force and work load, naturalization*

Positions	1949 actual	1950 estimate	1951 estimate
Supervisory	16	16	16
Naturalization examiners	144	144	144
Status examiners	33	33	33
Clerks, etc	216	223	223
Pro rata of positions assigned to general activities	140	140	140
Total	549	556	556

Work load	Actual, 1949			Estimate					
				1950			1951		
	Received	Completed	On hand	Received	Completed	On hand	Received	Completed	On hand
Applications, declarations of intention (N-300)	86,416	86,537	15,228	105,000	95,000	25,288	160,000	160,000	25,288
Declarations filed with courts	-------	63,840	-------	-------	80,000	-------	-------	130,000	-------
Applications, petition for naturalization (N-400, 402)	96,646	81,274	27,561	104,000	85,000	46,561	111,000	110,000	47,561
Petitions filed with courts	-------	71,112	-------	-------	80,000	-------	-------	85,000	-------
Applications, derivative citizenship certificates (N-600, 600-A)	19,557	16,643	5,356	17,600	17,000	5,356	17,000	17,000	5,356
Applications, registry of record of arrival (N-105)	6,111	4,294	1,817	6,000	6,000	1,817	6,000	6,000	1,817
Applications for new naturalization papers (N-565, 575)	9,822	8,908	1,426	9,800	9,800	1,426	9,800	9,800	1,426
Depositions taken	14,660	14,827	1,343	15,000	15,000	1,343	15,000	15,000	1,343

Source: Immigration and Naturalization Service.

TABLE 9.—*Force and work-load, patrol for prevention and detection of illegal entry*

Activity	1949 actual	1950 estimate	1951 estimate
Position:			
Chief patrol inspector	20	20	20
Patrol inspectors	1,106	1,106	1,106
Miscellaneous officers	10	10	10
Clerks, radio operators, etc	90	90	90
Custodial	67	67	67
Total	1,293	1,293	1,293
Work load:			
Miles patrolled	10,901,478	11,000,000	12,000,000
By motor	10,378,554	10,462,000	11,390,000
By train, boat, and plane	209,676	225,000	300,000
By horse	23,527	23,000	20,000
Afoot	289,721	290,000	290,000
Conveyances examined	2,102,332	2,200,000	2,500,000
Trains	101,858	102,000	102,000
Automobiles and busses	1,976,367	2,073,000	2,368,000
Other conveyances	24,598	25,000	30,000
Persons questioned	6,618,056	6,700,000	7,000,000
On trains	263,876	265,000	265,000
On autos and busses	5,286,777	5,340,000	5,535,000
On other conveyances	241,388	245,000	300,000
Pedestrians	826,015	850,000	900,000
Persons apprehended	289,400	310,000	310,00
Smugglers of aliens	635	800	800
On warrant of arrest	288,253	308,700	308,700
Other law violators	512	500	500
Seizures:			
Automobiles and trucks	230	230	300
Other conveyances	20	20	20
Value of all seizures	$160,285	$160,000	$208,000

Source: Immigration and Naturalization Service.

TABLE 10.—*Work load of the Board of Immigration Appeals, years 1943 to 1948*

	1943	1944	1945	1946	1947	1948
Deportations:						
Pending	5,621	2,673	5,671	751	367	268
Filed	11,653	14,303	17,836	9,187	7,892	2,260
Disposed	14,601	14,305	18,540	9,571	7,991	2,417
Pending	2,673	5,671	4,967	367	268	111
Preexaminations:						
Pending						9
Filed						53
Disposed						59
Pending						3
Exclusions:						
Pending	88	46	136	149	26	90
Filed	1,791	1,873	2,228	1,193	2,644	986
Disposed	1,832	1,783	2,172	1,316	2,580	1,038
Pending	46	136	192	26	90	38
Fines:						
Pending	496	70	483	11	10	25
Filed	823	1,024	600	194	476	334
Disposed	1,249	611	202	195	461	274
Pending	70	483	881	10	25	85
Seventh proviso cases:						
Pending	5	1	5	2	5	3
Filed	32	52	62	45	84	10
Disposed	36	48	65	42	86	18
Pending	1	5	2	5	3	4
Ninth proviso cases:						
Pending	1	8	50	8	18	8
Filed	152	783	1,047	134	264	61
Disposed	145	741	1,097	124	274	66
Pending	8	50		18	8	3
Sec. 9 status cases:						
Pending					9	22
Filed				64	267	199
Disposed				55	254	208
Pending				9	22	13

Source: Hearings before the subcommittee of the Committee on Appropriations, House of Representatives, 81st Cong., 1st sess., on the Department of Justice appropriation bill for 1950.

TABLE 11A.—*List of consular offices where visas are being issued on a full-time basis*

Afghanistan: Kabul
Argentina: Buenos Aires
Australia:
  Adelaide
  Brisbane
  Melbourne
  Perth
Austria:
  Vienna
  Salzburg (suboffice under Vienna)
Belgium and possessions:
  Antwerp
  (Africa)
  Léopoldville
  Elizabethville
Bolivia: La Paz
Brazil:
  Rio de Janeiro
  Bahia
  Pará
  Pernambuco
  Porto Alegre
  Sao Paulo
Bulgaria: Sofia
Burma, Union of: Rangoon
Canada:
  Ottawa
  Calgary
  Edmonton
  Halifax
  Hamilton
  Montreal
  Niagara Falls
  Quebec
  Regina
  St. John
  Toronto
  Vancouver
Canada—Continued
  Victoria
  Windsor
  Winnipeg
Chile:
  Santiago
  Antofagasta
  Valparaiso
China:
  Canton
  Chungking
  Dairen
  Hankow
  Kunming
  Mukden
  Peiping
  Shanghai
  Taipei (Formosa)
  Tientsin
  Tihwa
  Tsingtao
Colombia:
  Bogotá
  Barranquilla
  Cali
  Cartagena
  Medellín
Costa Rica: San José
Cuba:
  Havana
  Camaguey
  Santiago de Cuba
Czechoslovakia:
  Praha
  Bratislava
Denmark:
  Copenhagen
  (Greenland)
  Godthaab
Dominican Republic: Ciudad Trujillo
Ecuador:
  Quito
  Guayaquil
Egypt:
  Cairo
  Alexandria
  Port Said
El Salvador: San Salvador
Ethiopia: Addis Ababa
Finland: Helsinki
France and possessions:
  Paris
  Bordeaux
  Marseille
  Algiers, Algeria
  Dakar, French West Africa
  Hanoi, French Indochina
  Martinique, French West Indies
  Noumea, New Caledonia
  Saigon, French Indochina
  Tananarive, Madagascar
  Tunis, Tunisia
Germany:
  Berlin
  Bremen
  Frankfort
  Hamburg
  Munich
  Stuttgart
Great Britain and Northern Ireland:
  London
  Belfast
  Glasgow
  Liverpool
  (Europe)

TABLE 11A.—*List of consular offices where visas are being issued on a full-time basis*—Continued

Great Britain and Northern Ireland—Continued
- Gibraltar
- (Asia)
- Aden
- Colombo, Ceylon
- Hong Kong
- Kuala Lumpur, Malayan Union
- Singapore
- (Africa)
- Accra, West Africa
- Lagos, West Africa
- Mombasa, East Africa
- Nairobi, East Africa
- (Newfoundland)
- St. John's
- (Other America)
- Barbados, British West Indies.
- Belize, British Honduras
- Georgetown, British Guiana
- Hamilton, Bermuda
- Kingston, British West Indies
- Nassau, Bahamas
- Port-of-Spain, Trinidad

Greece:
- Athens
- Salonika

Guatemala: Guatemala
Haiti: Port-au-Price
Honduras:
- Tegucigalpa
- San Pedro Sula

Hungary: Budapest
Iceland: Reykjavik
India:
- New Delhi
- Bombay
- Calcutta
- Madras

Iran:
- Tehran
- Tabriz

Iraq:
- Bagdad
- Basra

Ireland (Eire): Dublin
Israel: Haifa
Italy:
- Genoa
- Naples
- Palermo

Japan:
- Kobe (British Office Yokohama)
- Yokohama

Korea: Seoul
Lebanon: Beirut
Liberia: Monrovia
Mexico:
- Mexico, D. F.
- Agua Prieta, Sonora
- Chihuahua, Chihuahua
- Ciudad Juarez, Chihuahua
- Guadalajara, Jalisco
- Guaymas, Sonora
- Matamoros, Tamaulipas
- Mazatlán, Sinaloa
- Merida, Yucatan
- Mexicali, Baja California
- Monterey, Nuevo León
- Nogales, Sonora
- Neuvo Laredo, Tamaulipas
- Piedras Negras, Coahuila
- Reynosa, Tamaulipas
- San Luis Potosí, San Luis Potosí
- Tampico, Tamaulipas
- Tijuana, Baja California
- Torreon, Coahuila
- Veracruz, Veracruz

Morocco:
- Tangier (Tanger)
- Casablanca

Netherlands and possessions:
- Rotterdam
- (Possessions)
- Aruba, Netherland West Indies.
- Batavia, Java
- Curacao, Netherland West Indies
- Paramaribo, Surinam

New Zealand:
- Wellington
- Auckland

Nicaragua: Managua
Norway:
- Oslo
- Bergen

Pakistan:
- Karachi
- Lahore

Panama:
- Panama
- Colon

Paraguay: Asuncion
Peru: Lima
Philippines, Republic of the: Manila
Poland: Warsaw
Portugal and possessions:
- Lisbon
- Funchal, Madeira
- Oporto
- Ponta Delgada, Azores
- Lourenco Marques, Africa

Rumania: Bucharest
Saudi Arabia, Kingdom of: Dhahran
Siam: Bangkok
Spain:
- Madrid
- Barcelona
- Bilbao
- Malaga
- Seville
- Tenerife, Canary Islands
- Valencia
- Vigo

Sweden:
- Stockholm
- Goteborg

Switzerland: Zurich
Syria: Damascus
Trieste, Free Territory of (no visa work)
Turkey:
- Istanbul
- Izmir

Union of South Africa:
- Capetown
- Durban
- Johannesburg
- Port Elizabeth

Union of Soviet Socialist Republics: Moscow
Uruguay: Montevideo
Venezuela:
- Caracas
- Maracaibo
- Puerto la Cruz

Yugoslavia: Belgrade

TABLE 11B.—*List of consular offices where visa work is on a part-time basis*

Brazil:
- Santos, nonimmigrant work only
- Victoria, nonimmigrant work only

China: Nanking, handles only diplomatic and official visas under section 3 of the act
Cyprus: Nicosia, nonimmigrant work only
France:
- Cherbourg, nonimmigrant work only
- Le Havre, nonimmigrant work only
- Lyon, nonimmigrant work only
- Nice, nonimmigrant work only
- Strasbourg, nonimmigrant work only

Great Britain:
- Birmingham, nonimmigrant work only
- Bradford, nonimmigrant work only
- Cardiff, nonimmigrant work only
- Edinburgh, nonimmigrant work only
- Manchester, nonimmigrant work only
- Newcastle-on-Tyne, nonimmigrant work only
- Southampton, nonimmigrant work only
- Dar-es-Salaam, Tanganyika, East Africa, nonimmigrant work only

Greece: Patras, nonimmigrant work only
Israel: Tel Aviv, nonimmigrant work only
Italy:
- Rome, nonimmigrant work only
- Florence, nonimmigrant work only
- Milan, nonimmigrant work only
- Turin, nonimmigrant work only
- Venice, nonimmigrant work only

Libya: Tripoli, nonimmigrant work only
Morocco: Rabat, nonimmigrant work only
Netherlands:
- Amsterdam, nonimmigrant work only
- The Hague, nonimmigrant work only

Palestine: Jerusalem, emergency nonimmigrant work
Philippines, Republic of the: Cebu, nonimmigrant and nonquota visas only
Saudi Arabia, Kingdom of: Jidda, nonimmigrant visas only
Switzerland:
- Bern, nonimmigrant visas only
- Basel, nonimmigrant visas only
- Geneva, nonimmigrant visas only

Turkey:
- Ankara, nonimmigrant visas only

Union of South Africa: Pretoria, diplomatic and official visas only

Source: Department of State.

TABLE 12.—*Income and sources thereof—of the Immigration and Naturalization Service, fiscal years 1939 to 1949*

Income	1939	1940	1941	1942	1943	1944	1945	1946	1947	1948	1949
Naturalization fees	$1,514,609.25	$2,418,091.00	$2,535,932.00	$2,626,947.21	$2,310,510.13	$1,665,651.94	$1,176,887.00	$1,114,926.25	[1] $5°8,911.25	$725,342.46	$897,029.29
Copying fees					7,593.06	3,814.24	1,579.73	2,919.22	6,706.25	7,482.39	8,219.23
Head tax	1,131,796.50	916,541.00	532,034.00	336,882.38	229,637.00	291,001.00	396,511.00	717.860.75	1,456,606.00	2,342,672.00	1,841,210.75
Administrative fines	98,834.97	47,027.50	77,869.23	197,162.00	216,356.00	87,350.50	72,270.50	48,499.30	12,180.00	326,950.71	151,520.00
Reentry permits and extensions	144,121.16	85,964.65	171,376.15	83,274.00	24,631.38	25,366.13	37,388.50	75,990.00	129,112.05	160,735.40	184,505.65
Certificates of registry	104,270.10	182,130.00	224,786.00	181,374.00	292,114.00	183,155.00	154,764.00	134,506.30	96,948.61	74,376.83	66,780.50
Suspended deportation fees					11,952.00	73,548.00	66,301.50	106,488.60	45,828.00	81,162.00	4,896.00
Immigration overtime	132,576.76	118,002.99	143,023.06	18,631.99							
Bonds forfeited and paid without suit including interest coupons on Liberty bonds	30,500.00	13,600.00	24,212.18	13,806.24	12,685.31	7,371.88	7,5€5.00	36,096.21	39,496.67	90,075.15	95,764.66
Sale of exclusive privileges (feeding, money, etc.)	356.00	150.00	125.00	25.00	50.00						
Sale of Government property	3,413.52	3,016.03	248.91	1,490.77	8,019.63	58,242.97	58,672.22	58,151.79	20,331.20	21,715.20	33,705.36
Miscellaneous collections	548.81	1,436.29	2,427.66	5,779.23	3,137.17	3,710.96	13,972.41	5,156.31	2,983.37	4,556.12	7,729.65
Coin box collections	774.06	931.93	1,228.64	1,803.06	2,978.78	3,641.56	3,213.61	2,752.94	1,546.16	1,277.61	1,499.90
Hospital collections	74,737.00	73,676.50	144,635.25	136,709.00	118,033.67	111,710.74	27,320.00		2,077.50	265.50	
Total	3,236,538.13	3,860,567.89	3,857,898.08	3,603,384.88	3,237,698.13	2,514,564.92	2,015,445.47	2,303,347.07	2,352,727.06	3,836,611.37	3,292,860.99

[1] Includes clerks of court fees based on reports for three quarters only.

Source: Immigration and Naturalization Service.

TABLE 13.—*Summary of the financial statement of the Immigration and Naturalization Service, fiscal years 1938 to 1949*

Year	Appropriation	Expended	Receipts	Net cost
1949	$30,450,000	[1] $30,404,521.00	$3,292,860.99	$27,111,660.01
1948	27,000,000	26,970,529.00	3,836,611.37	23,133,917.63
1947	28,787,000	28,507,912.00	2,352,727.06	26,155,184.94
1946	26,192,400	26,191,375.97	2,303,347.07	23,888,028.90
1945	28,300,000	27,476,984.00	2,087,115.32	25,389,868.68
1944	28,956,000	28,892,577.10	2,514,564.92	26,378,012.18
1943	27,932,500	26,079,742.00	3,237,698.13	22,842,043.87
1942	21,650,000	20,861,418.00	3,603,884.88	17,257,533.12
1941	[2] 19,473,227	18,252,754.00	3,857,898.08	14,394,855.92
1940	10,118,900	9,865,027.00	3,860,567.89	6,004,459.11
1939	9,760,220	9,690,337.00	3,236,538.13	6,453,798.87
1938	9,686,600	9,665,754.00	3,101,095.12	6,564,658.88

[1] Does not include $67,057 for printing and binding carried in the Department of Justice appropriation or $542 for contingent expenses.

[2] Exclusive of—

Contingent expense	$154,627
Printing and binding	111,000
Salaries, Administrative Division	30,080
Emergency fund for the President (allotment for Immigration and Naturalization Service)	50,000

Includes $3,375,000 for transfer to the Post Office Department of which $3,043,855 was obligated as of June 30, 1941, for alien registration.

Source: Immigration and Naturalization Service.

TABLE 14.—*Allocation of funds of the Immigration and Naturalization Service, fiscal years 1949–51*

Description	1949 actual	1950 estimate	1951 estimate
DIRECT OBLIGATIONS			
1. Inspection for admission into the United States	$9,451,350	$9,695,680	$9,750,680
2. Detention and deportation	6,457,782	6,436,240	6,545,260
3. Naturalization	2,592,316	2,575,250	2,615,420
4. Patrol for prevention and detection of illegal entry	6,335,422	6,209,720	6,327,210
5. Investigating aliens' status	4,034,528	4,060,640	4,110,750
6. Executive direction	36,078	34,350	34,590
7. Central administration services	1,564,644	1,488,720	1,516,090
8. Pay increases		625,000	1,028,000
Total direct obligations	30,472,120	31,125,600	31,928,000
REIMBURSABLE OBLIGATIONS			
1. Inspection for admission into the United States	800,206	694,900	694,900
2. Detention and deportation	644,070	547,100	547,100
Total reimbursable obligations	1,444,276	1,242,000	1,242,000
Total obligations	31,916,396	32,367,600	33,170,000

Source: U. S. House of Representatives, Committee on Appropriations, Hearings, Department of Justice Appropriations for 1951 (1950), p. 245.

TABLE 15.—*Estimates of annual rate cost for personal services of the Visa Division, fiscal years 1938 to 1949*

Fiscal year:	*Annual rate cost*	Fiscal year—Continued	*Annual rate cost*
1938	$43,580	1944	$357,560
1939	48,600	1945	375,460
1940	46,560	1946	370,384
1941	92,300	1947	393,854
1942	318,900	1948	403,771
1943	339,480	1949	454,353

Source: Department of State.

APPENDIX XI

EXCLUDABLE AND DEPORTABLE CLASSES OF ALIENS

TABLE 1.—*Aliens debarred and deported, fiscal years 1900 to 1947*

Period	Debarred	Deported	Year	Debarred	Deported	Deportable aliens required to depart	Indigent aliens returned at their request [1]
1900–04, total	29,499	2,510	1938	8,066	9,275	9,278	1,070
1905–09, total	58,688	6,709	1939	6,498	8,202	9,590	1,825
1910–14, total	115,655	16,010	1940	5,300	6,954	8,594	1,151
1915–19, total	74,929	11,835	1941	2,929	4,407	6,531	152
1920–24, total	90,208	21,694	1942	1,833	3,709	6,904	30
1925–29, total	102,661	56,594	1943	1,495	4,207	11,947	5
1930–34, total	35,952	82,943	1944	1,642	7,179	32,270	4
1935–39, total	35,198	43,820	1945	2,341	11,270	69,490	12
1940–44, total	13,199	26,456	1946	2,942	14,375	101,945	21
1937	8,076	8,829	1947	4,771	18,663	195,880	88

[1] Excludes 502 Filipinos returned at own request in 1938, 392 in 1939, 425 in 1940, and 134 in 1941.

Source: Statistical Abstract, 1948, table 118.

TABLE 2.—*Writs of habeas corpus in exclusion and deportation cases, fiscal years 1940–49*

Action taken	1931–40	1940–49	1940	1941	1942	1943	1944	1945	1946	1947	1948	1949
Total writs of habeas corpus:												
Disposed of	2,785	2,808	246	542	222	97	84	93	263	444	306	511
Sustained	411	114	11	12	23	1	2	3	9	15	29	9
Dismissed	1,893	1,967	180	483	158	62	46	55	133	278	175	397
Withdrawn	481	727	55	47	41	34	36	35	121	151	102	105
Pending end of year	79	144	79	113	25	27	20	16	206	156	160	144
Involving exclusion:												
Disposed of	829	515	130	138	50	10	6	6	4	64	48	59
Sustained	131	39	4	7	9	1	1	2	-----	6	3	6
Dismissed	543	317	92	96	30	6	3	3	4	19	26	38
Withdrawn	155	159	34	35	11	3	2	1	-----	39	19	15
Pending end of year	41	16	41	29	2	2	2	1	1	15	12	16
Involving deportations:												
Disposed of	1,956	2,293	116	404	172	87	78	87	259	380	258	452
Sustained	280	75	7	5	14	-----	1	1	9	9	26	3
Dismissed	1,350	1,650	88	387	128	56	43	52	129	259	149	359
Withdrawn	326	568	21	12	30	31	34	34	121	112	83	90
Pending end of year	38	128	38	84	23	25	18	15	205	141	148	128

Source: Immigration and Naturalization Service.

TABLE 3.—*Aliens excluded from the United States, by cause, fiscal years 1940–49*

Cause	1940	1941	1942	1943	1944	1945	1946	1947	1948	1949
Number excluded [1]	5,300	2,929	1,833	1,495	1,642	2,341	2,942	4,771	4,905	3,834
Idiots and imbeciles	2	1	------	2	1	------	2	------	------	3
Feeble-minded	8	7	6	8	5	2	4	1	4	3
Insane or had been insane	26	15	12	17	22	15	14	23	22	20
Epileptics	6	3	1	3	4	10	3	10	9	19
Constitutional psychopathic inferiority	12	4	7	4	15	19	9	17	11	11
Surgeon's certificate of mental defect other than above	5	5	3	2	3	15	11	20	14	12
Tuberculosis (noncontagious)	3	1	------	1	1	} 11	8	10	16	17
Tuberculosis (contagious)	9	4	4	5	10					
Trachoma and favus	1	------	1	------	------	------	------	------	1	1
Other loathsome or dangerous contagious disease	26	10	9	16	15	22	9	28	97	20
Surgeon's certificate of physical defect other than contagious disease	28	22	6	4	15	13	4	12	26	8
Chronic alcoholism	2	1	2	1	1	4	1	3	5	3
Likely to become public charges	1,296	322	160	95	106	53	33	70	67	97
Paupers, professional beggars, and vagrants	38	6	1	1	1	3	------	------	------	2
Contract laborers	111	40	26	26	28	18	13	19	11	26
Assisted aliens	8	3	4	4	------	4	3	1	1	2
Stowaways	272	227	252	77	155	161	361	902	709	216
Accompanying aliens (sec. 18)	5	6	1	3	3	4	3	1	2	4
Under 16 years of age, unaccompanied by parents	11	11	6	3	7	16	7	11	5	12
Criminals	144	92	70	68	63	87	87	139	142	187
Polygamists, anarchists	------	2	------	1	------	------	2	------	1	27
Prostitutes or aliens coming for any immoral purpose	24	9	10	6	7	3	3	3	3	10
Supported by or received proceeds of prostitution	------	1	------	------	------	------	------	------	------	1
Procurers or attempting to bring in persons for any immoral purposes	9	3	------	------	1	1	------	------	2	1
Had been deported or excluded	115	41	33	31	45	45	44	45	30	66
Unable to read (over 16 years of age)	8	8	9	8	21	23	4	11	2	9
Brought by nonsignatory lines	4	9	3	3	4	1	2	2	2	11
Without proper documents	3,127	2,076	1,207	1,106	1,109	1,805	2,294	3,316	3,690	2,970
Previously departed to avoid military service	------	------	------	------	------	6	21	111	30	66
Other	------	------	------	------	------	------	------	16	3	15

[1] Figures represent all exclusions at seaports and exclusions of aliens seeking entry for 30 days or longer at land ports.

Source: Immigration and Naturalization Service.

TABLE 4.—*Aliens (statistical) debarred from entering the United States, by races or peoples, and sex, fiscal years 1935 to 1944*

Race or people	1935	1936	1937	1938	1939	1940	1941	1942	1943	1944	Total
Number debarred	5,558	7,000	8,076	8,066	6,498	5,300	2,929	1,833	1,495	1,642	48,397
Armenian	13	12	9	10	12	3	4	2	2	.....	67
Bohemian and Moravian	5	6	6	7	7	9	8	3	1	1	53
Bulgarian, Serbian, and Montenegrin	15	14	14	16	13	7	.....	1	2	5	87
Chinese	100	75	114	136	158	160	127	11	2	11	894
Croatian and Slovenian	9	11	23	17	16	7	8	5	1	3	100
Cuban	51	33	42	73	62	77	52	49	6	16	461
Dalmatian, Bosnian, and Herzegovinian	1	.....	2	.....	.....	2	.....	.....	1	.....	6
Dutch and Flemish	56	64	104	95	59	65	38	30	18	26	555
East Indian	.....	6	6	2	13	3	1	.....	3	2	36
English	927	1,197	1,570	1,494	1,169	906	513	282	231	236	8,525
Filipino	32	37	21	21	10	12	46	18	1	5	203
Finnish	19	14	27	22	17	20	31	8	5	3	166
French	1,206	1,510	1,753	1,719	1,288	923	524	335	244	365	9,867
German	257	285	425	421	323	282	126	57	245	56	2,477
Greek	21	29	36	50	54	82	32	8	8	4	324
Irish	449	627	751	834	606	441	214	151	101	131	4,305
Italian	105	116	136	140	129	99	59	26	24	19	853
Japanese	12	17	39	14	28	6	4	2	1	8	131
Korean	3	.....	2	2	.....	1	.....	.....	.....	.....	8
Lithuanian	24	15	16	18	5	9	3	1	1	5	97
Magyar	50	70	76	87	48	30	17	12	6	9	405
Negro	110	170	198	221	174	143	98	82	77	101	1,374
Pacific Islander	.....	.....	4	2	.....	3	.....	1	.....	7	17
Polish	91	143	150	172	101	64	41	32	15	21	830
Portuguese	27	19	16	18	35	37	34	89	9	42	326
Rumanian	28	24	40	34	28	24	10	5	5	6	204
Russian	52	55	66	70	57	46	15	19	21	20	421
Ruthenian (Russniak)	49	45	78	90	57	39	13	5	9	11	396
Scandinavian (Norwegians, Danes, and Swedes)	109	103	170	199	136	105	95	55	42	55	1,069
Scotch	470	615	769	714	555	421	207	146	103	112	4,112
Slovak	32	40	43	48	49	33	13	2	4	9	273
Spanish	72	73	56	54	81	133	59	28	16	13	585
Latin American	34	43	31	37	48	38	47	26	24	40	368
Syrian	41	32	26	45	32	39	15	6	6	4	246
Turkish	.....	.....	1	5	1	14	.....	1	.....	.....	22
Welsh	36	20	41	32	22	23	17	3	10	4	208
West Indian, except Cuban	12	13	16	27	25	21	9	10	2	.....	135
All other	1,040	1,467	1,199	1,120	1,080	973	449	322	249	292	8,191
Sex—Male	3,691	4,472	5,173	5,147	4,145	3,355	1,696	1,173	1,043	1,037	30,932
Female	1,867	2,528	2,903	2,919	2,353	1,945	1,233	660	452	605	17,465

Source: Immigration and Naturalization Service.

TABLE 5.—*Aliens deported from the United States, by cause, fiscal years 1908 to 1948* [1]

Period	Total	Cause													
		Criminals	Violators of narcotic laws [2]	Immoral classes	Mental or physical defectives	Previously deported or excluded [3]	Remained longer than authorized [4]	Entered without proper documents or without inspection or by false statements	Abandoned status of admission [5]	Alien contract labor	Likely to become public charges	Unable to read (over 16 years of age) [6]	Anarchists and kindred classes [7]	Under Chinese Exclusion Acts [8]	Miscellaneous
1908 to 1948	328,224	33,556	2,179	14,814	26,254	25,023	29,055	141,161	1,483	2,591	22,086	16,754	1,255	2,962	9,051
1908 to 1910	6,888	236	----------	784	3,228	----------	----------	1,106	----------	440	458	----------	----------	----------	636
1908	2,069	41	----------	67	1,063	----------	----------	299	----------	240	18	----------	----------	----------	341
1909	2,124	69	----------	291	1,112	----------	----------	258	----------	122	72	----------	----------	----------	200
1910	2,695	126	----------	426	1,053	----------	----------	549	----------	78	368	----------	----------	----------	95
1911 to 1920	27,912	1,209	----------	4,324	6,364	178	----------	4,128	----------	575	9,015	704	353	478	584
1911	2,788	90	----------	422	956	----------	----------	555	----------	21	711	----------	----------	----------	33
1912	2,456	63	----------	340	822	----------	----------	477	----------	31	678	----------	----------	----------	45
1913	3,461	124	----------	551	954	----------	----------	464	----------	54	1,262	----------	----------	----------	52
1914	4,610	157	----------	701	1,252	----------	----------	1,055	----------	51	1,356	----------	----------	----------	38
1915	2,564	105	----------	363	600	----------	----------	408	----------	65	850	----------	----------	129	44
1916	2,781	114	----------	437	455	----------	----------	360	----------	116	1,081	----------	----------	191	27
1917	1,853	95	----------	442	249	----------	----------	180	----------	62	718	----------	----------	82	25
1918	1,569	57	----------	377	172	19	----------	380	----------	33	401	67	2	18	43
1919	3,068	175	----------	378	337	58	----------	183	----------	69	1,150	466	37	47	168
1920	2,762	229	----------	313	567	101	----------	66	----------	73	808	171	314	11	109
1921 to 1930	92,157	8,383	374	4,238	8,936	1,842	5,466	36,969	90	631	10,655	5,977	642	1,133	6,821
1921	4,517	316	----------	356	907	133	----------	369	----------	152	1,293	328	446	34	183
1922	4,345	434	----------	275	695	132	----------	284	----------	71	1,713	274	64	62	341
1923	3,661	394	18	299	439	152	----------	229	----------	60	1,188	262	13	115	492
1924	6,409	525	21	339	877	190	----------	605	----------	54	2,092	345	81	172	1,108
1925	9,495	637	42	327	913	164	----------	3,892	----------	66	1,758	474	22	93	1,107
1926	10,904	793	76	412	1,243	131	26	5,484	15	27	887	494	4	178	1,134
1927	11,662	953	54	572	1,042	182	192	5,988	17	88	569	708	9	141	1,147
1928	11,625	1,211	67	563	1,106	91	1,165	5,767	20	29	477	333	1	139	656
1929	12,908	1,409	52	395	672	14	2,064	7,526	24	11	373	63	1	33	271
1930	16,631	1,711	44	700	1,042	653	2,019	6,825	14	73	305	2,696	1	166	382

See footnotes at end of table, p. 874.]

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TABLE 5.—*Aliens deported from the United States by cause, fiscal, years 1908 to 1948* [1]—Continued

Period	Total	Cause													
		Criminals	Violators of narcotic laws [2]	Immoral classes	Mental or physical defectives	Previously deported or excluded [3]	Remained longer than authorized [4]	Entered without proper documents or without inspection or by false statements	Abandoned status of admission [5]	Alien contract labor	Likely to become public charges	Unable to read (over 16 years of age) [6]	Anarchists and kindred classes [7]	Under Chinese Exclusion Acts [8]	Miscellaneous
1931 to 1940	117,086	16,597	1,108	4,838	6,301	9,729	14,554	50,639	115	580	1,873	8,329	253	1,322	848
1931	18,142	1,773	44	884	952	1,003	2,835	6,849	11	63	1,240	2,066	18	207	197
1932	19,426	1,709	138	906	1,107	1,202	3,284	8,741	13	44	187	1,403	51	516	125
1933	19,865	1,770	167	785	1,056	1,010	3,148	9,836	27	20	166	1,393	74	249	164
1934	8,879	1,569	122	383	662	359	986	3,948	14	19	98	539	20	101	59
1935	8,319	1,632	111	413	510	933	786	3,286	15	24	33	416	17	77	66
1936	9,195	1,727	154	407	533	1,048	850	3,650	6	93	50	502	47	53	75
1937	8,829	1,603	118	308	392	1,000	702	3,862	13	124	40	550	17	47	53
1938	9,275	1,662	81	318	401	1,085	748	4,082	4	92	24	676	8	30	64
1939	8,202	1,638	82	270	326	1,056	652	3,571	9	66	22	453	1	21	35
1940	6,954	1,514	91	164	362	1,033	563	2,814	3	35	13	331	----------	21	10
1941 to 1948	84,181	7,131	697	630	1,425	13,274	9,035	48,319	1,278	365	85	1,744	7	29	162
1941	4,407	1,200	58	88	249	703	258	1,643	5	20	3	161	----------	18	1
1942	3,709	893	60	78	260	558	285	1,339	4	38	1	182	1	10	----------
1943	4,207	609	55	49	169	610	498	1,860	1	37	1	315	----------	----------	3
1944	7,179	722	77	64	197	1,320	1,007	3,037	5	78	----------	653	----------	1	18
1945	11,270	772	93	72	142	1,529	793	7,643	64	154	8	----------	----------	----------	----------
1946	14,375	981	152	92	156	1,083	1,189	10,061	121	31	15	426	----------	----------	68
1947	18,663	1,104	138	106	147	4,033	1,066	11,880	110	----------	34	7	3	----------	35
1948	20,371	850	64	81	105	3,438	3,939	10,856	968	7	23	----------	3	----------	37

[1] Deportation statistics by cause are not available prior to the fiscal year 1908.
[2] Act of Feb. 9, 1909, as amended by the act of May 26, 1922; act of Feb. 18, 1931, as amended.
[3] Act of Feb. 5, 1917, as amended, and act of Mar. 4, 1929, as amended.
[4] Act of May 26, 1924, as amended, and act of Apr. 29, 1943, as amended.
[5] Act of May 26, 1924, as amended: act of Apr. 29, 1943, as a mended.
[6] Act of Feb. 5, 1917, as amended.
[7] Act of Oct. 16, 1918, as amended.
[8] Statistics on deportations under the Chinese Exclusion Acts by immigration officers were first compiled in the fiscal year 1915. Deportations by United States marshals are not included in these figures. The Chinese Exclusion Acts were repealed by the act of Dec. 17, 1943.

Source: Immigration and Naturalization Service.

TABLE 6.—*Aliens deported, by country, fiscal years 1924–49*

Country to which deported	Total, 1924–48	Total, 1924–30	Total, 1931–40	Total, 1941–48	1941	1942	1943	1944	1945	1946	1947	1948	1949
All countries	280,901	79,634	117,056	84,181	4,407	3,709	4,207	7,179	11,270	14,375	18,663	20,371	20,040
Europe	68,805	30,858	30,582	6,565	251	305	658	812	898	1,482	1,123	1,036	983
Austria	511	322	174	15					(1)	2	6	7	1
Belgium	912	484	361	67	4	10	7	11		8	7	20	16
Bulgaria	295	155	138	2						1		1	
Czechoslovakia	2,622	1,320	1,287	15				1		1	8	5	2
Denmark	1,433	751	586	96	5	4	14	10	3	10	21	29	31
Ireland	2,663	1,617	954	92	6	1	7	6	3	14	32	23	16
Estonia	201	60	116	25	2	2	6	7	1	5	1	1	
Finland	1,437	687	641	109	10		2	5	8	14	22	48	34
France	1,154	640	335	179	1	2	5	13	15	9	40	94	113
Germany	7,126	3,611	2,937	578	6	2	2	6	69	302	118	73	51
Great Britain:													
England	7,295	3,191	3,004	1,100	66	69	168	280	146	108	140	123	120
Scotland	2,800	1,285	1,254	261	29	15	30	64	26	31	38	28	28
Wales	504	196	202	106	2	7	49	20	5	15	7	1	2
Greece	3,756	1,179	1,896	681	32	62	99	58	164	112	94	60	60
Hungary	841	491	344	6	1			1	(1)	1	1	2	3
Italy	11,652	4,522	5,609	1,521	1	31	21	24	384	573	315	172	189
Latvia	181	94	80	7		3			1	1		2	
Lithuania	318	172	142	4			2		(1)	2			2
Netherlands	1,661	885	619	157	9	14	12	29		14	26	53	58
Northern Ireland	320		291	29	5			2	2	3	7	10	8
Norway	2,572	1,151	1,065	356	8	33	48	46	8	84	50	79	66
Poland	3,112	1,542	1,508	62	1	4	15	16	1	5	8	12	16
Portugal	2,072	445	1,214	413	26	14	65	83	27	66	73	59	63
Rumania	1,877	808	1,060	9	2			1	(1)		4	2	
Spain	3,640	1,870	1,588	182	31	8	18	21	13	21	37	33	32
Sweden	1,798	963	698	137	1	8	5	9	4	13	38	59	50
Switzerland	419	253	153	13				2	1	2	4	4	5
U. S. S. R.	325	271	44	10		3	1	1	1	4			
Yugoslavia	3,515	1,431	1,796	288	2	9	77	94	14	50	15	27	8
Other Europe	993	462	486	45	1	4	5	2	2	11	11	9	9
Asia	14,530	3,526	9,012	1,992	135	59	58	371	189	627	343	210	225
China	9,024	1,623	6,608	793	52	34	44	27	13	251	244	128	67
India	1,743	382	602	759	39	4	6	329	170	102	57	52	26
Japan	1,934	590	973	371	42	19	7	14	1	263	19	6	28
Palestine	257	141	102	14					(1)	3	4	7	4
Other Asia	1,572	790	727	55	2	2	1	1	5	8	19	17	100

[1] Included in "Other Europe" figures.

TABLE 6.—*Aliens deported, by country, fiscal years 1924–49*—Continued

Country to which deported	Total, 1924–48	Total, 1924–30	Total, 1931–40	Total, 1941–48	1941	1942	1943	1944	1945	1946	1947	1948	1949
Canada	40,250	15,609	13,937	5,704	957	631	464	665	474	672	954	887	858
Newfoundland	377	129	184	64	11	8	5	4	6	7	7	16	11
Mexico	146,183	25,315	54,090	66,778	2,752	2,548	2,905	4,971	9,510	11,310	15,547	17,235	16,903
West Indies	5,441	2,325	1,971	1,145	131	94	74	85	80	138	210	333	346
Central America	1,240	331	551	358	31	25	6	13	33	61	81	108	152
South America	2,500	997	1,077	426	86	22	27	43	14	30	78	126	149
Africa	621	249	242	130	7	3	4	33	32	11	9	31	39
Australia and New Zealand	539	267	183	89	17	6	5	10	3	10	16	22	18
Other countries	1,215	28	257	930	29	8	1	172	31	27	295	367	356

Source: Immigration and Naturalization Service.

TABLE 7.—*Aliens deported from the United States, by country to which deported and cause, fiscal years 1939–48*

Country to which deported	Total, 1931–48	Criminals	Violators of narcotic laws	Immoral classes	Mental or physical defectives	Previously deported or excluded	Remained longer than authorized	Entered without proper documents or without inspection or by false statements	Abandoned status of admission	Alien contract labor	Likely to become public charge	Unable to read (over 16 years of age)	Anarchists and kindred classes	Under Chinese Exclusion Act [1]	Miscellaneous
1939, all countries	8,202	1,638	82	270	326	1,056	652	3,571	9	66	22	453	1	21	35
England	154	38		2	8	3	41	62							
Germany	172	29			16	4	68	52			3				
Italy	320	78	12	15	10	4	89	107	1		3	1			
Canada	1,915	487	3	48	74	169	76	984		37	12	12			13
Mexico	4,415	819	19	154	160	837	51	1,908		28	2	426			11
China	85	3	37		1		4	13	4			2		21	
Other countries	1,141	184	11	51	57	39	323	445	4	1	2	12	1		11
1940, all countries	6,954	1,514	91	164	362	1,033	563	2,814	3	35	13	331		21	10
England	141	43		2	5	4	35	52							
Germany	41	7		1	2	1	14	15		1					
Italy	228	69	16	9	12	4	49	67				1			1
Canada	1,503	443	3	32	77	162	59	684	1	10	10	17			5
Mexico	3,902	773	19	90	218	821	26	1,622		23	1	305			4
China	100	1	34		4		12	26	1		1			21	
Other countries	1,039	178	19	30	44	41	368	348	1	1	1	8			
1941, all countries	4,407	1,200	58	88	249	703	258	1,643	5	20	3	161		18	1
England	66	23					24	19							
Germany	6						2	4							
Italy	1	1													
Canada	957	345	3	21	46	93	58	378		7	2	4			
Mexico	2,752	699	25	55	186	584	22	1,018		12	1	150			
China	52		21		2		3	6	2					18	
Other countries	573	132	9	12	15	26	149	218	3	1		7			1

[1] The Chinese Exclusion Acts were repealed by the act of Dec. 17, 1943.

TABLE 7.—*Aliens deported from the United States, by country to which deported and cause, fiscal years 1939–48*—Continued

Country to which deported	Total, 1931–48	Criminals	Violators of narcotic laws	Immoral classes	Mental or physical defectives	Previously deported or excluded	Remained longer than authorized	Entered without proper documents or without inspection or by false statements	Abandoned status of admission	Alien contract labor	Likely to become public charge	Unable to read (over 16 years of age)	Anarchists and kindred classes	Under Chinese Exclusion Act [1]	Miscellaneous
1942, all countries	3,709	893	60	78	260	558	285	1,339	4	38	1	182	1	10	
England	69	10				3	26	30							
Germany	2							2							
Italy	31						31								
Canada	631	217	1	17	44	51	31	241	1	26		1	1		
Mexico	2,548	618	49	56	204	481	27	926		12	1	174			
China	34	1	1		2		17	3						10	
Other countries	394	47	9	5	10	23	153	137	3			7			
1943, all countries	4,207	609	55	49	169	610	498	1,860	1	37	1	315			3
England	168	9		1	1	6	83	66				1			1
Germany	2						1	1							
Italy	21						21								
Canada	464	174	1	18	27	29	34	179			1	1			
Mexico	2,905	388	49	28	137	561	32	1,363		37		309			1
China	44						35	9							
Other countries	603	38	5	2	4	14	292	242	1			4			1
1944, all countries	7,179	722	77	64	197	1,320	1,007	3,037	5	78		653		1	18
England	280	7	1	1	2	10	155	103							1
Germany	6	2					3	1							
Italy	24	2					19	3							
Canada	665	182	2	16	40	51	80	272		22					
Mexico	4,971	499	63	42	151	1,240	72	2,187		56		645			16
China	27						21	5						1	
Other countries	1,206	30	11	5	4	19	657	466	5			8			1

1945, all countries	11,270	772	93	72	142	1,529	793	7,643	64	154	8				
England	146	5	2		2	4	87	45	1						
Germany	69	20				2	34	11	1		1				
Italy	384	81	11	6		2	264	19		1					
Canada	474	130	2	11	23	39	40	193	7	26	3				
Mexico	9,510	495	57	49	105	1,455	38	7,135	48	127	1				
China	13		3				9	1							
Other countries	674	41	18	6	12	27	321	239	7		3				
1946, all countries	14,375	981	152	92	156	1,083	1,189	10,061	121	31	15	426			68
England	108	16	7		5		48	28	1		2				1
Germany	302	49	2	2	1	3	166	77	1		1				
Italy	573	123	15	25	2	3	318	84		1	1				1
Canada	672	222	3	27	30	37	58	269	19		2	3			2
Mexico	11,310	459	58	24	94	1,005	46	9,129	38	30	3	423			1
China	251	2	43	1		1	128	50	15						11
Other countries	1,159	110	24	13	24	34	425	424	47		6				52
1947, all countries	18,663	1,104	138	106	147	4,033	1,066	11,880	110		34	7	3		35
England	140	39	2	1	3	5	32	53	2		3				
Germany	118	43	1	2	2	3	26	40					1		
Italy	315	78	11	4	3	8	124	71			15				1
Canada	954	313	3	31	41	98	112	328	14		3	1			10
Mexico	15,547	464	66	49	67	3,868	106	10,854	48		6				19
China	244	5	35	1	2	9	115	67	6		1				3
Other countries	1,345	162	20	18	29	42	551	467	40		6	6	2		2
1948, all countries	20,371	850	64	81	105	3,438	3,939	10,856	968	7	23		3		37
England	123	20		1	2	2	44	31	17		4				2
Germany	73	20			1		16	22	13						1
Italy	172	30	8	2	3	4	40	69	13		1				2
Canada	887	240	1	23	22	59	156	252	129		2		2		1
Mexico	17,235	416	27	44	41	3,314	2,852	10,007	502		1				31
China	128		20	2	1	3	56	30	16						
Other countries	1,753	124	8	9	35	56	775	445	278	7	15		1		

[1] The Chinese Exclusion Acts were repealed by the act of Dec. 17, 1943.

Source: Immigration and Naturalization Service.

TABLE 8.—*Aliens deported, by cause and country to which deported, fiscal year 1949*

Country to which deported	Total	Criminals	Immoral classes	Violators of narcotic laws	Mental or physical defectives	Previously excluded or deported	Remained longer than authorized	Entered without proper documents	Abandoned status of admission	Entered without inspection or by false statements	Likely to become public charges	Unable to read (over 16 years of age)	Subversive or anarchistic	Miscellaneous
All countries..	20,040	1,024	76	70	82	3,815	1,379	998	329	12,094	20	1	4	148
Europe	983	106	5	8	15	30	440	206	19	95	10	1	3	45
Denmark	31	.....	....	....	....	2	15	9	3	1	.....	.....	....	1
Finland	34	2	....	....	1	2	19	9	1	.....	.....	.....	....	....
France	113	2	....	....	2	3	74	11	....	14	.....	.....	....	7
Germany	51	13	....	1	....	3	17	9	....	5	.....	.....	2	1
Great Britain and Northern Ireland	158	28	....	2	4	4	62	25	3	18	4	.....	....	8
Greece	60	4	....	1	1	3	37	10	1	2	1	.....	....	....
Ireland	16	3	....	....	....	1	6	5	....	1	.....	.....	....	....
Italy	189	33	2	3	....	3	58	46	2	29	1	.....	....	12
Netherlands	58	3	....	1	....	1	27	22	2	1	.....	.....	....	1
Norway	66	2	....	....	....	1	52	9	1	1	.....	.....	....	....
Portugal	63	.....	1	....	....	3	18	22	1	11	.....	.....	....	7
Spain	32	3	1	....	1	2	10	6	1	5	1	.....	....	2
Sweden	50	4	1	....	....	.....	26	9	3	4	2	.....	....	1
Yugoslavia	8	3	....	....	1	1	1	2	....	.....	.....	.....	....	....
Other Europe	54	6	....	....	5	1	18	12	1	3	1	1	1	5
Asia	225	8	....	12	2	5	102	79	4	8	.....	.....	....	5
China	67	2	....	9	1	1	31	18	....	5	.....	.....	....	....
India	26	.....	....	....	....	3	13	10	....	.....	.....	.....	....	....
Japan	28	2	....	....	1	.....	20	3	2	.....	.....	.....	....	....
Other Asia	104	4	....	3	....	1	38	48	2	3	.....	.....	....	5
Canada and Newfoundland	869	205	20	....	15	91	122	122	22	170	2	.....	....	10
Mexico	16,903	557	47	46	40	3,650	139	445	229	11,691	2	.....	....	57
West Indies	346	32	2	3	8	14	126	48	28	65	3	.....	1	16
Central America	152	10	1	....	....	14	52	25	3	43	1	.....	....	3
South America	149	7	....	....	2	3	83	26	8	13	1	.....	....	6
Africa	39	.....	....	1	....	1	25	5	1	5	.....	.....	....	1
Philippines	40	5	1	....	....	2	15	9	2	3	1	.....	....	2
Other countries	334	4	....	....	....	5	275	33	13	1	.....	.....	....	3

Source: Immigration and Naturalization Service.

TABLE 9.—*Action under the seventh proviso to section 3 of the Immigration Act of 1917*

Prepared by the Immigration and Naturalization Service, Division of Research and Education

Aliens returning from a temporary absence abroad to an unrelinquished United States domicile of 7 years or more may, notwithstanding the existence of a ground of exclusion under the immigration laws other than one under the Immigration Act of 1924, be readmitted to the United States in the discretion of the Attorney General.

ACTION TAKEN

From July 1, 1946, through March 31, 1948, there were 464 cases in which a decision was made within the discretion permitted under the seventh proviso. In 90 percent of the cases admission was granted, leaving 10 percent in which it was denied.

Of the 416 cases in which admission was authorized, 35 percent were granted by the Attorney General, 31 percent by the Board of Immigration Appeals, and 34 percent by the Commissioner of Immigration and Naturalization.

Seventh proviso cases, classified by authority and decision, July 1, 1946, to Mar. 31 1948

Authority	Total cases	Decision			
		Admission authorized		Admission denied	
		Number	Percent	Number	Percent
Total cases	464	416	100.0	48	100.0
Attorney General	150	145	34.8	5	10.4
Board of Immigration Appeals	155	128	30.8	27	56.3
Commissioner	159	143	34.4	16	33.3

During the period reported, the delegation of authority for the exercise of the seventh proviso to section 3 of the act of 1917 was changed a number of times. Prior to March 14, 1947, the Commissioner had authority to exercise discretion under the seventh proviso in all cases where the decision was favorable to the alien; the Board of Immigration Appeals exercised discretion in all cases in which the Commissioner denied admission. From March 14, 1947, to July 28, 1947, discretion was exercised only by the Board of Immigration Appeals. From July 28, 1947, to date the Commissioner has been delegated the power to exercise discretion in all seventh proviso cases. Appeal may be taken in certain cases to the Board of Immigration Appeals.

GROUNDS WAIVED

There are three major grounds of inadmissibility that cover 98 percent of the cases. These are (1) criminals who either admitted or were convicted of crime involving moral turpitude [65 percent of total cases], (2) aliens who were unable to read [18 percent], and (3) aliens with mental or physical defects that made them excludable [15 percent]. Most of these latter cases were cases involving either insanity or tuberculosis.

As may be noted in the table below, usually about nine-tenths of the cases were approved; however, the two draft evaders applying for authorization to enter were denied admission.

Seventh proviso cases, classified by grounds waived and decision, July 1, 1946, to Mar. 31, 1948

Grounds waived	Total cases	Decision	
		Admission authorized	Admission denied
Total cases	464	416	48
Criminals	302	278	24
Unable to read (over 16 years of age)	84	76	8
Mental or physical defectives	68	59	9
Without proper documents	3	2	1
Visitors who remained longer	1	----	1
Seamen who remained longer	1	----	1
Assisted aliens	1	----	1
Draft evaders	2	----	2
Vagrants	1	1	----
Previously arrested and deported	1	----	1

EXERCISE OF DISCRETIONARY AUTHORITY

Discretionary authority under the seventh proviso is exercised (1) in advance of the alien's arrival, (2) at the time of arrival in the United States in connection with exclusion, or (3) after arrival in connection with deportation proceedings, preexamination proceedings, or when aliens returning to a domicile of seven consecutive years might have been eligible for consideration under the seventh proviso, that consideration may be given nunc pro tunc and the record of entry corrected to show a lawful admission as a returning resident alien.

Proceedings	Number	Percent
Total	464	100
Exclusion	49	11
Preexamination	108	23
Deportation	218	47
Advance exercise of seventh proviso	55	12
Nunc pro tunc	34	7

PERSONS TO WHOM AUTHORIZATION IS GRANTED

While the law requires a minimum unrelinquished domicile of 7 years, the average length of residence in the United States of a person in whose case favorable action was taken was 23 years. In only 1 percent of the cases did the person meet only the minimum requirement of 7 years. In 8 percent of the cases the person lived in this country from 8 to 20 years; in 78 percent of the cases, from 21 to 40 years; and in 13 percent, 41 years or longer.

Seventh proviso cases, classified by years of residence in the United States and decision, July 1, 1946, to Mar. 31, 1948

Years in the United States	Decision			Years in the United States	Decision		
	Total cases	Admission authorized	Admission denied		Total cases	Admission authorized	Admission denied
Total cases	464	416	48	36 to 40	29	28	1
				41 to 45	17	15	2
1 to 5	2		2	46 to 50	4	4	
6 to 10	30	18	12	51 to 55	2	2	
11 to 15	22	18	4	56 to 60	1		1
16 to 20	131	125	6	Unknown or not reported	7	4	3
21 to 25	136	127	9				
26 to 30	41	39	2	Median years in United States	22.6	22.8	19.8
31 to 35	42	36	6				

In 41 percent of the cases the person had a United States citizen spouse, children, or parents totally dependent on him for support. The person was supporting close alien relatives in the United States in 12 percent of the cases, and an alien spouse and children residing abroad in 15 percent of the cases. In most of the remaining cases the alien also had close citizen or alien relatives in the United States, but such relatives were not dependent on him for support.

Seventh proviso cases, classified by type of dependent and decision: July 1, 1946, to Mar. 31, 1948

Type of dependent	Total cases		Decision			
	Number	Percent	Admission authorized		Admission denied	
			Number	Percent	Number	Percent
Total cases	464	100.0	416	100.0	48	100.0
None	143	30.9	116	28.0	27	56.3
Citizen spouse	64	13.8	60	14.4	4	8.3
Citizen child(ren)	11	2.4	11	2.6		
Citizen spouse and child(ren)	96	20.7	92	22.1	4	8.3
Alien spouse in United States	22	4.7	22	5.3		
Alien spouse and child(ren) in United States	28	6.0	28	6.7		
Alien spouse and children abroad	67	14.4	62	14.9	5	10.4
Citizen parents	6	1.3	6	1.4		
Sister in United States	1	.2	1	.2		
Other	6	1.3	6	1.4		
Unknown or not reported	20	4.3	12	3.0	8	16.7

In a number of cases admission was granted subject to revocation in the discretion of the Attorney General upon the commission of any act of misconduct subsequent to admission.

TABLE 10.—*Nonimmigrant aliens admitted under the Immigration Act of 1924 as amended as government officials by country of last permanent residence, fiscal years 1946 to 1948*

Country	1946	1947	1948	Country	1946	1947	1948
All countries	17,031	16,517	16,822	Europe—Continued			
				Spain	63	79	65
Europe	6,416	6,099	4,838	Sweden	221	270	204
				Switzerland	127	160	119
Austria	7	30	32	U. S. S. R.	719	540	218
Belgium	333	212	149	Yugoslavia	51	40	31
Bulgaria		2	5	Other Europe	149	160	309
Czechoslovakia	71	107	117				
Denmark	121	102	103	Asia	809	1,266	1,400
Eire	26	33	32				
Estonia		1	2	China	405	524	271
Finland	42	30	31	India	165	287	358
France	759	572	511	Japan	5	12	4
Germany	7	235	26	Palestine	3	10	10
England	2,345	2,071	1,689	Other Asia	231	433	757
Scotland	70	38	36				
Wales	20	4	12	South America	3,057	3,123	4,313
Greece	78	128	135	Canada	1,755	1,395	964
Hungary	33	39	25	Newfoundland	35	17	8
Italy	179	220	230	Mexico	635	963	1,261
Latvia				West Indies	1,910	1,345	1,141
Lithuania			3	Central America	612	538	550
Netherlands	363	459	236	Africa	354	354	287
North Ireland	7	13	14	Australia and New Zealand	349	404	186
Norway	405	248	120	Philippines		405	509
Poland	166	120	94	Other countries	1,099	608	1,365
Portugal	54	41	274				
Rumania		55	16				

Source: Table 17 of the 1946 Immigration and Naturalization Report; table 17 of the 1947 Immigration and Naturalization Report; table 17 of the 1948 Immigration and Naturalization Report.

TABLE 11.—*Nonimmigrant aliens admitted under the Immigration Act of 1924, as amended, as international officials by country of last permanent residence, fiscal years 1946 to 1948*

Country	1946	1947	1948	Country	1946	1947	1948
All countries	658	3,083	4,059	Europe—Continued			
				Spain	2	1	4
Europe	407	2,504	1,990	Sweden	----	13	28
				Switzerland	11	97	249
Austria	5	72	3	U. S. S. R.	47	306	136
Belgium	5	111	75	Yugoslavia	5	53	53
Bulgaria	----	3	1	Other Europe	----	14	23
Czechoslovakia	22	60	32				
Denmark	1	66	52	Asia	24	188	257
Eire	8	9	1				
Estonia	----	----	----	China	8	127	140
Finland	----	5	1	India	14	36	89
France	96	740	659	Japan	----	2	----
Germany	3	25	5	Palestine	----	3	5
England	112	557	405	Other Asia	2	20	23
Scotland	3	17	16				
Wales	1	----	3	Canada	190	401	411
Greece	17	37	20	Newfoundland	----	1	----
Hungary	----	4	2	Mexico	11	71	195
Italy	9	32	53	West Indies	1	53	176
Latvia	----	----	----	Central America	----	35	59
Lithuania	----	----	1	South America	16	319	413
Netherlands	36	95	88	Africa	6	59	55
North Ireland	1	8	4	Australia and New Zealand	3	32	63
Norway	20	70	43	Philippines	----	2	27
Poland	2	76	28	Other countries	----	138	413
Portugal	1	31	1				
Rumania	----	2	4				

Source: Table 17 of 1948 Immigration and Naturalization Report; table 17 of 1947 Immigration and Naturalization Report; table 17 of 1946 Immigration and Naturalization Report.

TABLE 12.—*Estimated number of registered alien enemies, classified by State of residence and country of citizenship, Feb. 11, 1942, to Jan. 31, 1944*

State of residence	Number of citizens of—				
	Total	Germany	Italy	Japan	Other
United States	948,794	272,708	602,937	49,536	23,613
Alabama	1,040	318	696	4	22
Arizona	809	204	184	221	200
Arkansas	1,009	451	524	19	15
California	101,879	17,684	46,375	34,991	2,829
Colorado	4,462	922	2,597	807	136
Connecticut	42,543	4,453	37,180	166	735
Delaware	1,864	314	1,517	5	28
District of Columbia	3,336	1,050	2,159	44	83
Florida	5,313	1,847	3,092	113	261
Georgia	1,004	650	282	29	43
Idaho	1,107	333	244	486	44
Illinois	55,307	24,160	29,261	283	1,603
Indiana	4,771	2,878	1,674	16	203
Iowa	4,479	3,450	919	4	106
Kansas	1,674	1,090	499	12	73
Kentucky	1,251	741	484	4	22
Louisiana	7,084	764	6,235	24	61
Maine	1,256	166	836	3	251
Maryland	9,225	3,505	5,505	32	183
Massachusetts	50,478	3,546	44,925	128	1,879
Michigan	24,506	9,508	13,438	62	1,498
Minnesota	4,202	2,992	900	20	290
Mississippi	1,023	213	792	5	13
Missouri	11,209	4,467	6,494	44	204
Montana	2,555	458	1,764	254	79
Nebraska	3,125	1,906	1,004	141	74
Nevada	1,256	158	856	214	28
New Hampshire	778	198	442	3	135
New Jersey	85,694	21,599	62,779	146	1,170
New Mexico	1,741	730	279	662	70
New York	342,200	114,745	219,783	2,080	5,592
North Carolina	611	407	167	7	30
North Dakota	1,109	997		33	79
Ohio	32,163	9,331	21,784	60	988
Oklahoma	830	485	299	16	30
Oregon	4,873	1,564	1,619	1,510	180
Pennsylvania	74,918	13,970	59,112	117	1,719
Rhode Island	11,301	627	10,401	14	259
South Carolina	433	294	108	8	23
South Dakota	842	755	43	5	39
Tennessee	1,574	501	1,038	11	24
Texas	7,108	3,205	2,339	413	1,151
Utah	2,478	743	846	840	49
Vermont	678	98	493		87
Virginia	1,573	783	694	41	55
Washington	11,481	2,559	3,322	5,180	420
West Virginia	4,856	400	4,343	3	110
Wisconsin	12,788	10,240	2,259	2	287
Wyoming	679	142	250	252	35
Alaska	150	71	38		41
Hawaii					
Puerto Rico	162	32	52	2	76
Virgin Islands	7	4	2		1

Source: Immigration and Naturalization Service.

APPENDIX XII

ADMISSIBLE ALIENS AND QUOTAS

TABLE 1.—*Apportionment of the white population of the United States by country of origin, 1920*

Country of origin	Total	Colonial stock	Postcolonial stock			
			Total	Immigrants	Children of immigrants	Grand children and later generations
Total	94,820,915	41,288,570	53,532,345	13,712,754	19,190,372	20,629,219
Quota countries	89,506,558	40,324,400	49,182,158	12,071,282	17,620,676	19,490,200
Austria	843,051	14,100	828,951	305,657	414,794	108,500
Belgium	778,328	602,300	176,028	62,686	62,042	51,300
Czechoslovakia	1,715,128	54,700	1,660,428	559,895	903,933	196,600
Denmark	704,783	93,200	611,583	189,934	277,149	144,500
Estonia	69,013	.....	69,013	33,612	28,001	7,400
Finland	339,436	4,300	335,136	149,824	146,612	38,700
France	1,841,689	767,100	1,074,589	155,019	325,270	594,300
Germany	15,488,615	3,036,800	12,451,815	1,672,375	4,051,240	6,728,200
Great Britain and Northern Ireland	39,216,333	31,803,900	7,412,433	1,365,314	2,308,419	3,738,700
Greece	182,936	.....	182,936	135,146	46,890	900
Hungary	518,750	.....	518,750	318,977	183,773	16,000
Irish Free State	10,653,334	1,821,500	8,831,834	820,970	2,097,664	5,913,200
Italy	3,462,271	.....	3,462,271	1,612,281	1,671,490	178,500
Latvia	140,777	.....	140,777	69,277	56,000	15,500
Lithuania	230,445	.....	230,445	117,000	88,645	24,800
Netherlands	1,881,359	1,366,800	514,559	133,478	205,381	175,700
Norway	1,418,592	75,200	1,343,392	363,862	597,130	382,400
Poland	3,892,796	8,600	3,884,196	1,814,426	1,779,570	290,200
Portugal	262,804	23,700	239,104	104,088	105,416	29,600
Rumania	175,697	.....	175,697	88,942	83,755	3,000
Russia, European and Asiatic	1,660,954	4,300	1,656,654	767,324	762,130	127,200
Spain	150,258	38,400	111,858	50,027	24,531	37,300
Sweden	1,977,234	217,100	1,760,134	625,580	774,854	359,700
Switzerland	1,018,706	388,900	629,806	118,659	203,547	307,600
Syria and Lebanon	73,442	.....	73,442	42,039	31,403	.....
Turkey	134,756	.....	134,756	102,669	31,487	600
Yugoslavia	504,203	.....	504,203	220,668	265,735	17,800
All other quota countries	170,868	3,500	167,368	71,553	93,815	2,000
Nonquota countries	5,314,357	964,170	4,350,187	1,641,472	1,569,696	1,139,019

Source: S. Doc. 259, 70th Cong., 2d sess., table A, p. 5.

TABLE 2.—*Quotas of countries under the various quota laws*

Country or area	Since July 1, 1929 [1]	July 1, 1924 to June 30, 1929	June 3, 1921 to June 30, 1924
Afghanistan	100	100	[2]
Albania	100	100	288
Andorra	100	100	[2]
Arabian Peninsula	100	100	[2]
Armenia	[4]	124	230
Australia	100	121	279
Austria	1,413	785	7,342
Belgium	1,304	512	1,563
Bhutan	100	100	[2]
Bulgaria	100	100	302

See footnotes at end of table, p. 887.

TABLE 2.—*Quotas of countries under the various quota laws*—Continued

Country or area	Since July 1, 1929 [1]	July 1, 1924 to June 30, 1929	June 3, 1921 to June 30, 1924
Cameroons (British)	100	100	[4]
Cameroun (French)	100	100	[4]
China	100	100	[3]
Chinese persons	105	[6]	[7]
Czechoslovakia	2,874	3,073	14,357
Danzig, Free City of	100	228	301
Denmark	1,181	2,789	5,619
Egypt	100	100	18
Estonia	116	124	1,348
Ethiopia (Abyssinia)	100	100	[4]
Finland	569	471	3,921
France	3,086	3,954	5,729
Germany	25,957	51,227	67,607
Great Britain and Northern Ireland	65,721	34,007	[9] 77,342
Greece	307	100	[8] 3,033
Hungary	869	473	5,747
Iceland	100	100	75
India	100	100	[2]
Iran	100	100	[3]
Iraq (Mesopotamia)	100	100	[2]
Irish Free State (Eire)	17,853	28,567	[10]
Italy	5,802	3,845	[8] 42,057
Japan	100	100	[2]
Latvia	236	142	1,540
Liberia	100	100	[4]
Liechtenstein	100	100	[3]
Lithuania	386	344	2,629
Luxemburg	100	100	92
Monaco	100	100	[3]
Morocco (French and Spanish zones and Tangier)	100	100	[4]
Muscat (Oman)	100	100	[2]
Nauru (British mandate)	100	100	[3]
Nepal	100	100	[2]
Netherlands	3,153	1,648	3,607
New Guinea (including appertaining islands) (under Australian mandate)	100	100	[3]
New Zealand	100	100	80
Norway	2,377	6,453	12,202
Palestine (with Transjordan) (British mandate)	100	100	57
Philippine Islands	100	[5]	[6]
Poland	6,524	5,982	30,977
Portugal	440	503	2,465
Ruanda and Urundi (Belgian mandate)	100	100	[4]
Rumania	377	603	7,419
Samoa, western (mandate of New Zealand)	100	100	[3]
San Marino	100	100	[3]
Saudi Arabia	100	100	[2]
Siam	100	100	[2]
South Africa, Union of	100	100	[4]
South West Africa (mandate of the Union of South Africa)	100	100	[4]
Soviet Union	2,712	2,248	24,405
Spain	252	131	912
Sweden	3,314	9,561	20,042
Switzerland	1,707	2,081	3,752
Syria and Lebanon (French mandate)	123	100	[8] 882
Tanganyika (British mandate)	100	100	[4]
Togoland (British)	100	100	[4]
Togoland (French)	100	100	[4]
Turkey	226	100	2,654
Union of Soviet Socialist Republics (see Soviet Union)			[8]
Yap and other Pacific Islands (under Japanese mandate)	100	100	[3]
Yugoslavia	845	671	6,426
Total	153,929	164,667	357,803

[1] The quotas shown in this column are those in force at the present time. Except for a few minor changes they are the same as those which were established on July 1, 1929, under the national origins provision (sec. 12 of the Immigration Act of May 26, 1924).

[2] Prior to July 1, 1924, there were separate quotas only for Armenia, Palestine, Syria, and Turkey, other countries in Asia being included under the annual quota known as "Other Asia" and totaling 92.

[3] No separate quota prior to July 1, 1924.

[4] Prior to July 1, 1924, there was an annual quota of 101 for all Africa with the exception of Egypt which had a separate quota of 18.

[5] No separate quota since July 1, 1933.

[6] Immigration from Philippine Islands was not restricted by quota until March 24, 1934 (Philippine Independence Act). The Philippine quota was 50 per year until July 1946 when it was increased to 100.

[7] Prior to the act of Dec. 17, 1943, Chinese persons were ineligible for naturalization and hence, with a few exceptions, for immigration. Under that act they have been allotted a yearly quota of 105.

[8] See table I continued on following page.

[9] Including Irish Free State.

[10] See Great Britain.

Section 12 (c) of the Immigration Act of 1924 provides in substance that in case of changes in political boundaries in foreign countries occurring subsequent to 1890 and resulting in the creation of new countries, the governments of which are recognized by the United States, or in the establishment of self-governing dominions, or in the transfer of territory from one country to another, such transfer being recognized by the United States, or in the surrender by one country of territory, the transfer of which to another country has not been recognized by the United States, or in the administration of territories under mandates, the Secretary of State, the Secretary of Commerce, and the Attorney General jointly shall estimate the number of individuals resident in continental United States in 1920 who were born within the area included in such new countries or self-governing dominions or in such territories so transferred or surrendered or administered under a mandate, and such officials shall jointly revise the determination of the national origin of the population attributable to such areas, but only so far as necessary to allot the quotas among the countries involved in such change of political boundary.

When such determination has been made, the above officials report to the President jointly, the quota of each nationality as determined and the President proclaims and makes known the quotas so reported.

In accordance with this the President of the United States issued Proclamation No. 2846 on July 27, 1949, declaring the following changes in quotas:

Greece	310	Israel	100
Italy	5,799	Jordan (formerly Transjordan)	100
Rumania	291	Syria	100
U. S. S. R.	2,798	Lebanon	100

The proclamation stated that the combined immigration quota of 123 established for Syria and Lebanon by Proclamation No. 2283 of April 28, 1938, is hereby abolished.

This change in immigration quotas results in a net increase of 277, changing the total annual quota from 153,929 to 154,206.[1]

The transfer of the Dodecanese Islands from Italy to Greece resulted in the increase of the Greek quota, while the transfer of the Bukovina from Rumania to the U. S. S. R. brought about the increase of the Russian quota. Both territorial changes were provided for under the peace treaties with Italy and Rumania, effective since September 15, 1947, of which the United States is a signatory power. The changes of quotas for the various Near Eastern countries were made in view of recent political developments in that area. The quota of 100 of Palestine is now applicable to persons born in that part of the former British mandate of Palestine which has not been incorporated into the States of Israel or Jordan.[2]

The quota maximum for all quota countries has been raised by the President's proclamation from 153,929 to 154,206. The list of quotas in force since July 27 follows.

	Quota		Quota
Afghanistan	100	Czechoslovakia	2,874
Albania	100	Danzig, Free City of	100
Andorra	100	Denmark	1,181
Arabian Peninsula (except Muscat, Aden Settlement and Protectorate, and Saudi Arabia)	100	Egypt	100
		Estonia	116
		Ethiopia (Abyssinia)	100
		Finland	569
Australia (including Tasmainia, Papua, and all islands appertaining to Australia)	100	France	3,086
		Germany	25,957
		Great Britain and Northern Ireland	65,721
Austria	1,413	Greece	310
Belgium	1,304	Hungary	869
Bhutan	100	Iceland	100
Bulgaria	100	India	100
Cameroons (British mandate)	100	Iran	100
Cameroun (French mandate)	100	Iraq	100
China	100	Ireland (Eire)	17,853
Chinese racial	105		

[1] Source: Federal Register, vol. 14, No. 144, July 28, 1949, p. 1.
[2] Source: Interpreter Releases, vol. XXVI, No. 36, August 17, 1949.

	Quota		Quota
Israel	100	Ruanda and Urundi (Belgian mandate)	100
Italy	5,799	Rumania	291
Japan	100	Samoa, Western (mandate of New Zealand)	100
Jordan (formerly Transjordan)	100	San Marino	100
Latvia	236	Saudi Arabia	100
Lebanon	100	Siam	100
Liberia	100	South Africa, Union of	100
Liechtenstein	100	South-West Africa (mandate of the Union of South Africa)	100
Lithuania	386	Spain	252
Luxemburg	100	Sweden	3,314
Monaco	100	Switzerland	1,707
Morocco (French and Spanish zones and Tangier)	100	Syria	100
Muscat (Oman)	100	Tanganyika Territory (British mandate)	100
Nauru (British mandate)	100	Togoland (British mandate)	100
Nepal	100	Togoland (French mandate)	100
Netherlands	3,153	Turkey	226
New Guinea, Territory of (including appertaining islands) (Australian mandate)	100	Union of Soviet Socialist Republics	2,798
New Zealand	100	Yap and other Pacific islands under Japanese mandate	100
Norway	2,377	Yugoslavia	845
Palestine	100		
Philippine Islands	100		
Poland	6,524		
Portugal	440		

Source: Interpreter Releases, vol. XXVI, No. 36, August 17, 1949.

TABLE 3.—*Quota and nonquota immigrants admitted to United States, fiscal years 1925 to 1949*

Year	Quota	Nonquota	Total	Year	Quota	Nonquota	Total
1949	113,046	75,271	188,317	1936	18,675	17,654	36,329
1948	92,526	78,044	170,570	1935	17,207	17,749	34,956
1947	70,701	76,591	147,292	1934	12,483	16,987	29,470
1946	29,095	79,626	108,721	1933	8,220	14,848	23,068
1945	11,623	26,496	38,119	1932	12,983	22,593	35,576
1944	9,394	19,157	28,551	1931	54,118	43,021	97,139
1943	9,045	14,680	23,725	1930	141,497	100,203	241,700
1942	14,597	14,184	28,781	1929	146,918	132,760	279,678
1941	36,220	15,556	51,776	1928	153,231	154,024	307,255
1940	51,997	18,759	70,756	1927	158,070	177,105	335,175
1939	62,402	20,596	82,998	1926	157,432	147,056	304,488
1938	42,494	25,401	67,895	1925	145,971	148,343	294,314
1937	27,762	22,482	50,244				

Source: Immigration and Naturalization Service.

TABLE 4.—*Immigration and emigration*

Description	1925–47	1930–47
Total quotas	3,591,731	2,768,396
Quota immigrants admitted	1,392,135	630,513
Percent of utilization	38.8	22.8
Nonquota immigrants admitted	1,325,871	566,583
Quota and nonquota immigrants	2,718,006	1,197,096
Percent of all immigrants to total quotas	75.7	43.2
Emigrants	983,485	593,739
Excess immigrants over emigrants	1,734,521	603,357
Excess of quota immigrants over emigrants	408,650	36,774
Average annual excess	17,767	2,043

Source: Immigration and Naturalization Service.

TABLE 5.—*Used and unused quotas, 1930 to 1949*

Year ending June 30—	Quota	Quota immigrants	Unused	Year ending June 30—	Quota	Quota immigrants	Unused
1949	153,929	113,046	40,883	1938	153,774	42,494	111,280
1948	153,929	92,526	61,403	1937	153,774	27,762	126,012
1947	153,929	70,701	83,228	1936	153,774	18,675	135,099
1946	153,879	29,095	124,784	1935	153,774	17,207	136,567
1945	153,879	11,623	142,256	1934	153,774	12,483	141,291
1944	153,879	9,394	144,485	1933	153,831	8,220	145,611
1943	153,774	9,045	144,729	1932	153,831	12,983	140,848
1942	153,774	14,597	139,177	1931	153,714	54,118	99,596
1941	153,774	36,220	117,554	1930	153,714	141,497	12,217
1940	153,774	51,997	101,777				
1939	153,774	62,402	91,372	Total	3,076,254	836,085	2,240,169

S. Rept. 950, 80th Cong., p. 38.

TABLE 6.—*Percent of quotas used, by areas of origin, 1925–49*

Area	1925–29	1930–34	1935–39	1940–44	1945	1946	1947	1948	1949
All countries	92.5	29.8	21.9	15.8	7.6	18.9	45.9	60.1	73.4
Europe	93.6	30.0	22.0	15.7	7.3	18.5	45.9	60.2	74.1
Northern and western Europe	93.2	27.3	16.2	12.1	5.8	13.0	37.4	53.5	47.3
Eire	92.9	30.8	4.1	2.0	1.3	3.1	11.3	41.7	47.6
Germany and Austria	94.8	34.1	54.3	34.1	4.3	16.3	55.2	69.1	50.9
Great Britain and North Ireland	90.7	22.6	4.1	3.9	7.8	13.2	29.3	42.2	35.8
Sweden	93.8	30.2	7.9	5.9	1.7	8.7	35.8	59.3	71.3
Southern and eastern Europe	96.1	44.4	53.3	30.7	16.1	46.3	89.6	94.3	210.4
Czechoslovakia	95.5	36.3	58.9	34.9	9.6	33.5	92.7	98.5	113.2
Italy	95.7	49.4	52.1	17.1	4.6	21.8	86.9	97.1	89.7
Poland	97.0	37.7	47.6	42.4	17.2	63.5	99.9	94.2	329.0

Source: Immigration and Naturalization Service; Monthly Review, January 1950, p. 88.

TABLE 7.—*Quotas assigned to certain areas 1925–47*

Area	1925-29	1930-34	1935-39	1940-44	1945	1946	1947
All countries	823,335	768,864	768,870	768,975	153,879	153,879	153,929
Europe	807,110	752,299	752,505	752,505	150,501	150,501	150,501
Northern and Western Europe	704,995	629,265	629,265	629,265	125,853	125,853	125,853
Eire	142,335	89,265	89,263	89,265	17,853	17,853	17,853
Germany and Austria	260,060	136,850	136,850	136,850	27,370	27,370	27,370
Great Britain and North Ireland	170,035	328,605	328,605	328,605	65,721	65,721	65,721
Sweden	47,805	16,570	16,570	16,570	3,314	3,314	3,314
Southern and eastern Europe	102,115	115,969	116,175	116,175	23,235	24,648	24,648
Czechoslovakia	15,365	14,370	14,370	14,370	2,874	2,874	2,874
Italy	19,225	29,010	29,010	29,010	5,802	5,802	5,802
Poland	29,910	32,620	32,620	32,620	6,524	6,524	6,524

Source: Immigration and Naturalization Service.

TABLE 8.—*Oversubscribed quotas*

Oversubscribed quotas	Registration dates under nonpreference now being considered	Estimated waiting time recent registrants
Albania [1]	October 1946	Indefinite.
Australia	June 1945	Do.
Austria [1]	First preference only. Likelihood second preference later.	Do.
China (white race)	April 1946	Do.
Chinese racial	Preference for applicants born and domiciled in China has been entirely allocated for quota year 1950 to applicants registered prior Oct. 1, 1948. Native country conditions may materially change above priority. Under 25 percent, first priority only.	Do.
Czechoslovakia [1]	July 31, 1946	Do.
Danzig [1]	January 1948	Do.
Denmark	April 1948	3 to 4 years.
Egypt	January 1946	Indefinite.
Estonia [1]	First and second preference only. First priority likely later in fiscal year.	Do.
Finland	Oct. 15, 1947	Do.
Greece	First preference allocated petitions prior May 9, 1946. First preference petitions approved after July 1, 1946, unlikely receive numbers quota year 1950. DP bill and sec. 19 (c) make estimate availability second preference impossible at this time.	Do.
Hungary [1]	First preference only. Some likelihood second preference later in fiscal year.	Do.
India (in India)	December 1946	3 years.
(Outside India)	First, second, and third priority par. 8 (b) depcigram Sept. 4, 1946.	Indefinite.
Iran	September 1945	3 years.
Iraq	April 1946	Indefinite.
Italy	First preference entirely allocated first quarter quota year petitions prior Apr. 1, 1949. Second preference unlikely before December or January.	2 years.
Latvia [1]	January 1946	Indefinite.
Lithuania [1]	Mar. 24, 1946	Do.
Netherlands	July 1947	Do.
New Zealand	Nov. 7, 1948	2 years.
Norway	May 1948	4 years.
Palestine	January 1946	Indefinite.
Philippines	First and second preference only. Some likelihood first priority later in fiscal year.	Do.
Poland [1]	Mar. 13, 1946	Do.
Portugal	First preference only. Second preference unlikely before December or January.	Do.
Rumania [1]	First preference allocated petitions prior Nov. 15, 1948. Due DP Act, unlikely any second preference will be available.	Do.
Spain	First and second preference current, also first priority.	Do.
Syria and Lebanon	First and second preference current. Nonpreference registered after Mar. 1, 1946 will not be reached quota year 1950. This does not mean that applicants registered prior Mar. 1, 1946 will receive numbers.	Do.
Turkey	First preference portion entirely allocated for fiscal 1950 to petitions prior Sept. 26, 1946. It is estimated recent petitions will encounter 2 year delay at least. Second preference and first priority current.	Do.
U. S. S. R. [1]	July 1947	Do.
Yugoslavia [1]	First preference only. Second preference and first priority likely later in fiscal year.	Do.

[1] 50 percent of the quota for the fiscal year 1950 has already been utilized for displaced persons, or that there is some likelihood that it will be so utilized.

NOTES

Availability of first and second preference numbers.—Unless otherwise stated, first and second preference numbers under oversubscribed quotas are currently available, and may be requested individually.

Commitments with reference to quotas not listed.—Although quotas not listed are presently current, no definite commitment should be made as to the availability of a quota number until one is received.

Distribution.—This circular distributed to all Foreign Service offices and covers situation as of June 10, 1949 (Visa Circular No. 50).

TABLE 9.—*Demand for quota immigration visas,*[1] *1946 to 1949*

Country	1946	1947	1948	1949
Afghanistan				
Albania	101	587	838	1,316
Andorra				
Arabian Peninsula				
Australia	298	1,351	1,596	2,112
Austria	4,766	8,615	9,692	14,805
Belgium	3,477	5,886	5,084	3,905
Bhutan				
Bulgaria	85	250	11,811	14,395
Cameroons:				
British mandate				
French mandate				
China	187	237	944	1,117
Chinese	295	685	548	1,429
Czechoslovakia	6,211	5,005	6,753	11,955
Danzig	75	65	147	2,938
Denmark	157	55	2,599	6,362
Egypt	176	184	1,123	1,855
Estonia	781	1,222	1,507	2,671
Ethiopia				
Finland	216	475	1,468	3,595
France	3,761	2,092	6,461	2,533
Germany				[2] 703,000
Great Britain				
Greece	5,473	10,374	11,846	12,299
Hungary	1,502	5,523	6,207	11,226
Iceland				
India	208	485	1,047	3,973
Iran	107	490	542	2,555
Iraq	1,040	2,275	2,719	634
Ireland				
Italy	1,552	3,299	4,536	8,365
Japan				
Latvia	286	789	921	4,700
Liberia				
Liechtenstein				
Lithuania	556	1,162	1,214	9,016
Luxemburg				
Monaco				
Morocco				
Muscat				
Nauru				
Nepal				
Netherlands	7,840	16,345	17,396	26,264
New Guinea				
New Zealand	41	352	308	446
Norway	3,386		5,807	11,753
Palestine	87	1,942	1,849	2,099
Philippines	104	2,483	2,377	3,057
Poland	14,814	30,943	33,688	114,604
Portugal	264	4,602	5,778	9,648
Ruanda and Urundi				
Rumania	2,472	8,353	10,285	17,205
Samoa				
San Marino				
Saudi Arabia				
South West Africa				
Spain	1,070	2,742	3,408	3,719
Sweden				
Switzerland				
Syria and Lebanon	900	1,396	2,871	3,723
Tanganyika Territory				
Thailand				
Togoland:				
British mandate				
French mandate				
Turkey	5,272	7,092	7,683	8,315
Union of South Africa				
U. S. S. R.	2,011	3,615	8,432	21,951
Yap and other Pacific islands				
Yugoslavia	1,712	8,829	12,687	14,984
Total	71,283	139,800	192,172	1,064,524

[1] The figures show the total number of intending immigrants registered throughout the world as reported by consular officers as of June 30 of the year designated. Consular officers were not authorized to accept registrations until Apr. 17, 1945 (wartime visa control procedure having been effective previous thereto). Therefore no tabulation of registrations as of June 30, 1945, or prior thereto is available.

[2] Estimated figure furnished by the office of the United States Political Adviser at Frankfort, and includes approximately 151,000 German ethnics.

Source: Visa Division, Department of State.

TABLE 10.—*Quota allocations under present and the recommended formulas*

Quota area	Present quotas (inhabitants in 1920× 0.001675-854857)	Quotas under H. R. 199 (inhabitants in 1920× 1/6 of 1 percent)	Quota area	Present quotas (inhabitants in 1920× 0.001675-854857)	Quotas under H. R. 199 (inhabitants in 1920× 1/6 of 1 percent)
*Afghanistan	100	100	Monaco	100	100
Albania	100	100	Morocco (French and Spanish zones and Tangier)	100	100
Andorra	100	100	Muscat (Oman)	100	100
Arabian Peninsula (except Muscat, Aden settlement and protectorate, and Saudi Arabia)	100	100	*Nauru (mandate)[3]	100	100
			*Nepal	100	100
			Netherlands	3,153	3,136
Australia (including Tasmania, Papua, and all islands appertaining to Australia)	100	100	*New Guinea, territory of (including appertaining islands) (mandate)[3]	100	100
			New Zealand	100	100
Austria	1,413	1,405	Norway	2,377	2,364
Belgium	1,304	1,297	Palestine (with Transjordan) (mandate)[4]	100	100
*Bhutan	100	100	*Philippine Islands	100	100
Bulgaria	100	100	Poland	6,524	6,488
Cameroons (mandate)[1]	100	100	Portugal	440	438
Cameroons (mandate)[2]	100	100	Ruanda and Urundi (mandate)[5]	100	100
*China	100	100			
*Chinese	105	105	Rumania	377	375
Czechoslovakia	2,874	2,859	*Samoa, Western (mandate)[6]	100	100
Danzig, Free City of	100	100	San Marino	100	100
Denmark	1,181	1,175	Saudi Arabia	100	100
Egypt	100	100	*Siam	100	100
Estonia	116	115	South Africa, Union of	100	100
Ethiopia (Abyssinia)	100	100	South-West Africa (mandate)[7]	100	100
Finland	569	566			
France	3,086	3,069	Spain	252	250
Germany	25,957	25,814	Sweden	3,314	3,295
Great Britain and Northern Ireland	65,721	65,361	Switzerland	1,707	1,698
			Syria and Lebanon	123	122
Greece	307	305	Tanganyika Territory (mandate)[1]	100	100
Hungary	869	865			
Iceland	100	100	Togoland (mandate)[1]	100	100
*India	100	100	Togoland (mandate)[2]	100	100
Iran	100	100	Turkey	226	225
Iraq	100	100	Union of Soviet Socialist Republics	2,712	2,697
Ireland (Eire)	17,853	17,756			
Italy	5,802	5,770	*Yap and other Pacific islands (former Japanese mandate)[8]	100	100
*Japan	100	185			
Latvia	236	235	Yugoslavia	845	840
Liberia	100	100			
Liechtenstein	100	100	Total	153,929	153,194
Lithuania	386	384			
Luxemburg	100	100			

[1] Now a trust territory under Great Britain.
[2] Now a trust territory under France.
[3] Now a trust territory under the Union of South Africa.
[4] Now Israel and Transjordan.
[5] Now a trust territory under Belgium.
[6] Now a trust territory under New Zealand.
[7] Mandate under the Union of South Africa.
[8] Now a trust territory of the Pacific islands under United States.
*Countries within the Asia-Pacific triangle.

Source: Judd bill report.

TABLE 11.—*Number of nonquota immigrants admitted from quota countries, fiscal years 1925 to 1948*

Class	Number	Percent
All quota countries	1,873,479	100.0
Quota immigrants	1,484,661	79.2
Nonquota immigrants	388,818	20.8
Northern and western Europe	1,247,506	100.0
Quota immigrants	1,145,147	91.8
Nonquota immigrants	102,359	8.2
Southern and eastern Europe	566,296	100.0
Quota immigrants	318,378	56.2
Nonquota immigrants	247,918	43.8
Asia, Africa, and Pacific	59,677	100.0
Quota immigrants	21,136	35.4
Nonquota immigrants	38,541	64.6

Source: Immigration and Naturalization Service.

TABLE 12.—*Aliens admitted by classes under the Immigration Act of 1924, as amended,*[1] *fiscal years 1946 to 1948*

Class	1946	1947	1948
Aliens admitted	312,190	513,597	646,576
Immigrants[2]	108,721	147,292	170,570
Quota immigrants (under sec. 5)	29,095	70,701	92,526
Nonquota immigrants	79,626	76,591	78,044
Under sec. 4:			
Husbands of United States citizens	269	579	647
Wives of United States citizens	47,679	31,698	30,086
Unmarried children of United States citizens	1,319	6,462	6,097
Natives of nonquota countries	29,366	35,309	37,506
Their wives	83	252	316
Their unmarried children	23	79	146
Ministers of religious denominations	218	692	782
Their wives	78	294	367
Their unmarried children	106	350	443
Professors of colleges, universities	61	297	505
Their wives	24	112	238
Their unmarried children	17	125	254
Women who had been United States citizens	63	91	136
Other nonquota immigrants	260	251	521
Nonimmigrants	203,469	366,305	476,006
Under sec. 3:			
Government officials, their families, attendants, servants, and employees	17,031	16,517	16,822
Temporary visitors for business	74,913	79,634	78,876
Temporary visitors for pleasure	59,913	134,924	206,107
In continuous transit through the United States	31,124	96,825	124,780
To carry on trade under treaty	378	651	711
Members of international organizations[3]	658	3,803	4,059
Under sec. 4:			
Returning residents	13,306	22,818	32,464
Students	5,855	11,003	11,914
Other nonimmigrants	291	130	273

[1] Data excludes travelers between continental United States and insular possessions, border crossers, and agricultural and railway track laborers admitted from Mexico.

[2] An immigrant is defined in statistics of the Service as an alien admitted for permanent residence, or as an addition to the population. Therefore, students who are admitted for temporary periods and returning resident aliens who have once been counted as immigrants are included with nonimmigrants, although sec. 4 defines such classes as immigrants.

[3] See. 3 (7). Clause added by act of Dec. 29, 1945.

Source: Immigration and Naturalization Service.

TABLE 13.—*Immigrant aliens admitted, by classes under the immigration laws and country or region of birth, year ended June 30, 1949*

Country or region of birth	Number admitted	Quota immigrants	Husbands of citizens	Wives of citizens	Unmarried children of citizens	Natives of nonquota countries	Wives, children of natives, nonquota countries	Ministers, their wives, children	Professors, their wives, children	Women who had been citizens	Other classes
All countries	188,317	113,046	3,239	27,967	4,648	35,969	425	1,233	869	110	811
Europe	138,301	107,722	2,928	21,386	3,835	.....	374	988	653	7	408
Austria	2,363	1,325	18	883	87	.....	1	11	29	.....	9
Belgium	1,592	1,258	11	281	10	.....	3	24	5	.....	.....
Bulgaria	84	65	3	14	.....	.....	.....	.....	2	.....	.....
Czechoslovakia	4,393	3,286	109	687	191	.....	5	79	31	.....	5
Denmark	1,305	1,105	27	121	7	.....	6	3	36	.....	.....
Estonia	1,840	1,716	8	81	2	.....	.....	16	11	.....	6
Finland	704	495	36	87	61	.....	2	10	11	.....	2
France	3,972	2,798	29	962	82	.....	14	27	57	.....	3
Germany	23,844	12,632	199	10,130	771	.....	11	30	51	.....	20
Great Britain:											
England	13,589	12,560	44	734	43	.....	125	49	30	1	3
Scotland	4,805	4,656	8	88	4	.....	35	9	5	.....	.....
Wales	656	600	2	44	3	.....	3	3	1	.....	.....
Greece	1,759	426	277	826	202	.....	.....	20	8	.....	.....
Hungary	1,998	1,464	47	258	41	.....	5	111	71	.....	1
Ireland	8,585	8,490	11	56	7	.....	6	10	2	.....	3
Italy	11,157	5,182	1,336	3,081	1,303	.....	71	75	34	4	71
Latvia	3,853	3,534	6	133	13	.....	1	18	12	.....	136
Lithuania	6,691	6,451	27	92	35	.....	.....	22	38	.....	26
Netherlands	3,200	2,897	67	166	26	.....	7	21	12	1	3
Northern Ireland	2,425	2,362	4	48	3	.....	4	3	1	.....	.....
Norway	2,563	2,283	71	124	23	.....	5	22	35	.....	.....
Poland	23,744	21,487	153	1,294	451	.....	16	229	70	.....	44
Portugal	1,235	449	209	229	330	.....	9	6	1	.....	2
Rumania	1,043	714	50	140	12	.....	3	93	27	.....	4
Spain	503	186	62	131	60	.....	9	31	24	.....	.....
Sweden	2,433	2,363	13	28	1	.....	4	4	18	.....	2
Switzerland	1,585	1,501	8	62	3	.....	4	1	4	.....	2
U. S. S. R	3,907	3,539	27	278	2	.....	17	21	16	.....	7
Yugoslavia	1,384	1,036	32	161	48	.....	5	36	7	1	58
Other Europe	1,089	862	34	167	14	.....	3	4	4	.....	1
Asia	5,287	1,563	109	3,017	336	.....	18	94	145	2	3
China	2,823	317	7	2,143	240	.....	2	13	98	2	1
India	166	103	8	38	3	.....	4	.....	10	.....	.....
Japan	508	45	1	445	4	.....	.....	3	8	.....	2
Palestine	234	117	7	34	38	.....	3	27	8	.....	.....
Other Asia	1,556	981	86	357	51	.....	9	51	21	.....	.....
Canada	20,798	1	8	1,203	64	19,314	.....	81	16	2	109
Newfoundland	717	.....	1	117	11	587	.....	.....	1	.....	.....
Mexico	7,977	1	3	396	41	7,507	.....	4	6	1	18
West Indies	6,518	2,441	99	273	72	3,576	16	32	3	.....	6
Central America	2,493	58	5	107	26	2,289	1	.....	4	.....	3
South America	2,639	170	9	110	10	2,327	.....	7	3	1	2
Africa	737	534	23	136	15	.....	8	8	12	.....	1
Australia and New Zealand	602	214	21	286	42	.....	4	12	22	.....	1
Philippines	1,068	53	15	807	187	.....	1	.....	.....	.....	5
Other countries	1,180	289	18	129	9	369	3	7	4	97	255

Source: Immigration and Naturalization Service.

TABLE 14.—*Aliens admitted as students under sec. 4 (e) of the Immigration Act of 1924, by countries of birth, fiscal years 1925 to 1948*

Country of birth	1925	1926	1927	1928	1929	1930	1931	1932	1933	1934	1935	1936	1937	1938	1939	1940	1941	1942	1943	1944	1945	1946	1947	1948
Total, all countries	1,462	1,920	1,833	1,816	1,898	1,902	1,538	1,266	877	1,048	1,377	1,515	1,828	2,451	2,182	2,044	1,766	1,368	1,021	1,643	2,866	5,855	11,003	11,914
Europe	833	1,083	1,057	1,086	1,006	962	774	720	535	462	482	566	611	700	786	610	263	144	147	224	244	1,043	3,023	3,057
Belgium	28	30	23	24	27	24	15	14	14	10	15	8	14	12	8	8	6	1	4	2	2	13	53	47
Bulgaria	11	16	24	26	29	18	15	15	4	2	9	5	16	10	14	6	4	-----	-----	-----	1	1	5	16
Czechoslovakia	27	49	35	43	22	25	22	18	13	7	12	11	15	11	24	44	5	3	2	2	2	13	191	266
Denmark	8	12	15	16	7	16	10	11	10	3	6	2	14	7	9	1	2	-----	3	5	2	26	81	38
Finland	11	21	11	6	6	6	8	8	6	2	1	1	2	6	7	4	4	-----	-----	2	1	8	15	40
France	19	44	29	38	41	51	49	53	34	26	35	54	60	49	56	25	22	17	3	2	11	66	244	265
Germany and Austria	88	82	81	97	95	98	133	119	105	71	66	85	103	151	112	78	24	5	-----	3	9	76	168	178
Great Britain:																								
England	121	165	158	139	174	131	86	126	86	96	93	109	114	132	161	103	48	43	31	41	23	61	176	153
Scotland	37	52	62	42	41	41	31	25	29	14	15	18	16	12	18	9	4	11	10	4	8	11	42	20
Wales	6	12	3	5	8	6	5	4	4	7	6	5	6	7	2	2	1	1	4	1	-----	-----	10	10
Greece	15	13	19	21	17	16	14	7	3	10	4	7	9	15	10	9	6	-----	-----	3	-----	30	290	172
Hungary	37	38	33	42	29	24	36	17	10	6	11	15	15	14	43	44	8	2	1	-----	1	7	62	220
Ireland (Eire)	17	22	23	26	13	10	11	5	51	85	67	67	47	43	59	27	6	-----	3	2	1	10	11	21
Italy	44	62	55	63	37	46	34	27	12	18	23	34	31	29	32	29	6	-----	-----	3	2	17	83	145
Latvia	6	6	8	12	10	5	5	2	3	3	3	2	-----	1	1	3	1	-----	-----	-----	1	3	4	5
Lithuania	16	19	22	21	18	30	24	5	3	1	3	2	3	3	8	9	2	-----	1	2	2	3	12	12
Netherlands	14	17	16	19	19	19	15	8	4	6	3	5	5	15	19	17	1	-----	3	2	1	35	112	111
Northern Ireland	9	13	3	23	10	8	4	9	8	8	4	6	8	8	7	7	4	3	-----	1	3	7	13	7
Norway	21	32	29	29	26	32	25	9	6	1	14	12	19	16	23	31	6	4	3	2	4	246	370	239
Poland	64	52	64	60	85	67	41	28	15	21	21	17	20	40	45	30	16	9	8	10	29	79	514	490
Rumania	26	31	26	28	25	30	10	16	12	3	6	5	8	8	14	1	4	3	1	1	-----	17	47	155
Soviet Russia	81	109	137	107	102	120	70	44	13	11	10	16	17	20	24	17	15	4	6	11	11	28	67	49
Spain	46	46	47	67	47	42	34	94	44	10	13	19	10	17	10	27	20	8	5	11	19	62	68	83
Sweden	14	38	18	20	25	20	29	20	14	13	13	24	11	25	16	16	16	2	-----	1	4	47	122	80
Switzerland	15	21	29	24	29	36	23	12	16	8	13	14	13	20	14	12	16	5	4	3	1	23	57	58
Yugoslavia	12	18	25	17	11	7	2	6	3	3	3	1	6	5	5	5	-----	-----	1	-----	-----	7	15	17
Other Europe	40	63	62	71	53	34	23	18	13	17	13	22	29	24	45	46	16	23	54	110	106	147	191	160
Asia	496	618	599	520	674	703	601	396	253	235	394	473	565	526	370	353	331	194	34	171	559	794	1,828	3,174
China	315	324	294	227	298	335	260	145	134	136	263	338	383	342	236	199	235	175	20	113	396	271	714	1,618
India	41	54	63	42	77	56	71	50	39	32	47	27	48	40	29	48	29	12	6	21	74	211	436	467
Japan	84	154	176	156	211	239	179	168	60	41	48	67	77	87	61	51	42	1	-----	-----	1	2	9	5
Palestine	12	12	16	15	15	16	23	11	-----	4	3	5	13	12	8	12	4	-----	-----	2	2	26	137	217
Syria	8	13	18	11	12	8	5	6	9	7	4	6	9	10	8	6	2	-----	-----	2	3	51	45	99
Other Asia	36	61	32	69	61	49	63	16	11	15	29	30	35	35	28	37	19	6	8	33	83	233	487	768

America	56	111	87	103	116	124	83	74	44	318	433	396	557	1,103	900	971	1,113	991	836	1,232	2,010	3,707	5,396	5,004
Canada and Newfoundland	3	6	3	15	8	16	17	19	7	181	231	151	281	410	480	617	608	487	275	226	377	1,555	2,127	1,702
Mexico	1	5	5	2	-----	1	2	3	2	16	75	51	53	445	156	107	170	112	102	95	162	272	323	319
British West Indies	45	56	53	2	63	72	43	38	23	27	23	35	46	66	63	63	66	57	41	101	202	284	318	259
Cuba	-----	2	4	63	3	2	3	3	3	38	53	71	74	45	19	9	24	37	42	197	342	371	865	736
Other West Indies	3	1	2	2	9	8	2	2	3	4	2	6	3	5	13	15	28	15	9	25	82	89	150	174
Central America	-----	19	10	2	5	6	3	3	-----	25	15	22	35	37	50	48	57	67	195	323	447	480	687	725
South America	4	22	10	17	28	19	13	6	6	27	34	60	65	95	119	111	160	215	172	265	393	626	882	1,066
Other America	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	1	-----	1	-----	-----	5	30	44	23
Africa	33	57	40	47	42	46	38	40	21	13	25	33	28	41	57	34	11	3	3	8	24	130	316	331
Australia	20	27	24	29	26	40	23	19	14	7	21	16	22	21	20	24	9	6	-----	-----	15	19	52	46
New Zealand	11	11	14	22	23	20	13	17	5	8	8	9	11	8	13	11	5	3	1	6	3	9	29	21
Other Pacific	13	13	12	9	11	7	6	-----	5	5	14	22	34	52	36	41	34	27	-----	2	11	153	359	281

Source: Immigration and Naturalization Service.

TABLE 15.—*Comparison of foreign students in the United States from selected geographic areas, 1929 to 1930, 1939 to 1940, and 1948 to 1949*

Geographic area	Percent of total number of foreign students		
	1929–30	1939–40	1948–49
Europe	29.3	24.9	16.0
Latin America:			
Central America	4.9	6.4	9.9
Caribbean	3.5	6.1	6.6
South America	2.9	5.8	9.9
Total, Latin America	11.3	18.3	26.4
Asia and Near East:			
Asia	26.4	17.8	24.0
Near East	3.3	1.4	8.3
Total, Asia and Near East	29.7	19.2	32.3
Canada and Newfoundland	13.0	29.0	16.5
Pacific:			
Philippines	8.8	4.0	2.6
Other	.5	1.1	.7
Total, Pacific	9.3	5.1	3.3

Source: Education for One World, Institute of International Education (1949).

TABLE 16.—*Number of students referred for investigation for failure to depart from the United States Mar. 1, 1948, to Feb. 28, 1949*

Month	Number	Month	Number
Total	3,618	August	591
		September	416
March 1948	288	October	240
April	295	November	219
May	231	December	239
June	232	January 1949	221
July	467	February	179

Source: Immigration and Naturalization Service Form I-120—Monthly Report of Aliens admitted to the United States as Visitors, Transits, Students, or Treaty Merchants.

TABLE 17.—*Nonimmigrant aliens admitted under sec. 3 (1) and sec. 3 (7) of the Immigration Act of 1924, as amended, fiscal years 1938 to 1948*

Year	Government officials, their families, attendants, servants, and employees, sec. 3 (1)	Members of international organizations, sec. 3 (7)
1948	16,822	4,059
1947	16,517	3,803
1946	17,031	658
1945	18,054	----------
1944	23,630	----------
1943	16,328	----------
1942	12,038	----------
1941	9,269	----------
1940	7,448	----------
1939	7,777	----------
1938	6,221	----------
Total	151,135	8,520

Source: Immigration and Naturalization Service.

TABLE 18.—*Nonimmigrant visas issued under certain sections of the Immigration Act of 1924, as amended, fiscal year 1948 (July 1947 through May 1948)* [1]

Nationality	Diplomatic, 3 (1), 3 (2), and 3 (3)	Diplomatic, 3 (7)	Government officials, 3 (1)	International organization aliens, 3 (7)	Total
Afghanistan	23	3	1		27
Argentina	280	33	1,743	26	2,082
Australia	82	5	136	37	260
Austria	21	1	20	5	47
Belgium	99	24	77	72	272
Bolivia	32	1	58	4	95
Brazil	127	7	369	39	542
Bulgaria	4			3	7
Canada	259		595	256	1,110
Chile	120	4	149	22	295
China	252	38	165	70	525
Colombia	177	29	121	12	339
Costa Rica	43		10	10	63
Cuba	181	1	148	52	382
Czechoslovakia	84	5	47	38	174
Denmark	102	11	74	18	205
Dominican Republic	205	1	236	4	446
Ecuador	98	5	91	19	213
Egypt	48		78	6	132
El Salvador	67	1	111	7	186
Estonia	1				1
Ethiopia	9		2		11
Finland	25		20		45
France	302	59	389	494	1,244
Germany	6		3	1	10
Great Britain	571	9	1,216	447	2,243
Greece	47	3	128	16	194
Guatemala	45	2	104	2	153
Haiti	123	3	39	14	179
Honduras	31		3	2	36
Hungary	14		21	3	38
Iceland	16		6	2	24
India	128	14	235	45	422
Iran	7		26	4	37
Iraq	17	3	17	2	39
Ireland	35		23	5	63
Italy	154		132	24	310
Japan	4		3		7
Liberia	16		1		17
Lithuania	2		2	1	5
Luxemburg	10		3	1	14
Mexico	462	55	901	57	1,475
Monaco	3		1		4
Netherlands	148	18	280	87	533
Newfoundland	1		16	2	19
New Zealand	33	1	47	18	99
Nicaragua	14		14	2	30
Norway	86	24	68	14	192
Palestine	1		7	4	12
Panama	106	1	40	6	153
Paraguay	37		22	2	61
Peru	84	2	37	25	148
Philippines	76	4	433	13	526
Poland	86	7	59	29	181
Portugal	47		200	3	250
Rumania	52		7	1	60
Saudi Arabia	30	1	11	3	45
Siam	33	1	7	1	42
Spain	100	1	38	5	144
Sweden	104		157	18	279
Switzerland	86	1	64	48	199
Syria and Lebanon	23	2	104	5	134
Turkey	34	3	121		158
Union of South Africa	27	3	58	11	99
U. S. S. R.	295	64	98	82	539
Uruguay	76	11	138	11	236
Venezuela	225	16	119	5	365
Yugoslavia	32	12	25	31	100
No nationality	19		5	20	44
Total	6,187	489	9,679	2,266	18,621

[1] Preliminary data.

Source: Supplied by Department of State.

TABLE 19.—*Nonimmigrant aliens admitted, by classes under the Immigration Act of 1924, as amended, and country of birth, fiscal year 1948 and 1949*

Country of birth	Classes			
	Government officials		International officials	
	1948	1949	1948	1949
All countries	16,822	13,722	4,059	4,723
Europe	5,137	5,199	2,196	2,422
Austria	45	49	21	23
Belgium	145	127	97	121
Bulgaria	5	24	2	8
Czechoslovakia	119	93	57	60
Denmark	115	87	64	85
Eire	67	57	32	21
Estonia	1			2
Finland	34	53	2	10
France	535	528	610	642
Germany	71	42	26	33
Great Britain:				
England	1,583	1,521	447	563
Scotland	132	129	60	48
Wales	50	49	13	14
Greece	158	404	22	25
Hungary	38	52	8	5
Italy	216	223	54	50
Latvia	2	1	1	1
Lithuania	3	3	2	4
Netherlands	261	275	110	88
Northern Ireland	25	20	4	12
Norway	130	204	51	106
Poland	147	142	67	67
Portugal	201	100	2	13
Rumania	35	12	8	9
Spain	107	130	35	32
Sweden	201	207	32	53
Switzerland	130	136	91	65
U. S. S. R.	242	214	197	197
Yugoslavia	41	91	51	32
Other Europe	298	226	30	33
Asia	1,562	1,004	282	480
China	332	173	148	247
India	460	367	102	121
Japan	7	8		2
Palestine	2	17	3	2
Other Asia	761	439	29	108
Canada	637	648	313	269
Newfoundland	5	12	3	2
Mexico	1,211	1,186	155	175
West Indies	956	763	160	160
Central America	570	659	70	86
South America	4,277	3,094	439	655
Africa	284	313	49	140
Australia and New Zealand	231	245	94	145
Philippines	515	173	28	87
Other countries	1,437	426	270	102

Source: Immigration and Naturalization Service.

TABLE 20.—*Total visitors admitted, fiscal years 1926 to 1949*

Year	Business	Pleasure	Year	Business	Pleasure
1926	19,951	36,663	1938	15,729	64,111
1927	22,515	37,993	1939	19,322	68,987
1928	21,570	43,011	1940	11,946	53,379
1929	21,465	42,845	1941	10,438	24,222
1930	23,442	47,381	1942	8,070	17,065
1931	17,150	38,486	1943	[1] 19,776	7,924
1932	13,741	26,724	1944	[1] 39,990	8,699
1933	11,360	25,539	1945	[1] 76,747	30,982
1934	13,068	36,765	1946	[1] 74,913	59,913
1935	13,166	48,467	1947	[1] 79,634	134,924
1936	14,399	58,914	1948	[1] 78,876	206,107
1937	18,317	71,138	1949	[1] 73,338	225,745

[1] Includes agricultural laborers imported from West Indies, by sea, under act of Apr. 29, 1943.

Source: Immigration and Naturalization Service.

TABLE 21.—*Aliens admitted to the United States as temporary visitors under sec. 3 (2) of the Immigration Act of 1924, whose country of last permanent residence was Cuba, fiscal years ended June 30, 1942 to 1948.*

Year ended June 30—	Temporary visitors for—		
	Total	Business	Pleasure
Total	131,047	37,503	93,544
1942	7,774	1,701	6,073
1943	3,756	2,170	1,586
1944	4,331	3,442	889
1945	7,595	5,179	2,416
1946	18,104	8,073	10,031
1947	35,947	8,719	27,228
1948	53,540	8,219	45,321

Source: Immigration and Naturalization Service.

TABLE 22.—*Transit aliens admitted to United States, fiscal years 1934–48*

Year	All classes (total)	Transit	Percent	Year	All classes (total)	Transit	Percent
1934	163,904	23,687	13.71	1942	111,238	28,305	25.44
1935	179,721	24,931	13.81	1943	104,842	31,906	30.52
1936	190,899	26,571	14.37	1944	142,192	34,856	24.50
1937	231,884	31,822	13.29	1945	202,366	28,174	13.42
1938	252,697	45,146	17.86	1946	312,190	31,124	9.64
1939	268,331	44,115	16.43	1947	513,597	96,825	18.84
1940	208,788	36,304	17.38	1948	646,576	124,780	19.29
1941	151,784	18,749	12.35				

Source: Chart 2-1943, 1943 Annual Report of Immigration and Naturalization Service; p. 57 of Immigration and Naturalization Report for 1947; table 2, 1948, Report of Immigration and Naturalization Service.

TABLE 23.—*Transits admitted, by country of birth and by country of last permanent residence, fiscal years 1946–47*

Admissions from—	Country of birth		County of last permanent residence	
	1946	1947	1946	1947
Europe	17,422	60,642	13,214	46,213
Austria	69	320	11	70
Belgium	341	1,349	186	1,026
Bulgaria	8	19	----	2
Czechoslovakia	166	782	45	184
Denmark	361	1,496	233	814
Eire	242	863	108	292
Estonia	23	68	14	9
Finland	95	403	68	131
France	2,425	6,011	2,859	6,061
Germany	199	866	64	299
Great Britain:				
England	4,103	17,027	3,633	14,802
Scotland	857	3,806	354	2,307
Wales	139	573	50	309
Greece	424	1,814	429	1,708
Hungary	57	372	18	153
Italy	346	4,547	388	4,532
Latvia	10	56	2	9
Lithuania	27	69	5	2
Netherlands	1,329	4,747	745	4,544
North Ireland	158	611	86	364
Norway	2,189	3,292	2,043	2,736
Poland	3 97	1,548	101	308
Portugal	123	344	220	641
Rumania	37	198	----	26
Spain	1,857	6,241	629	3,226
Sweden	281	908	186	506
Switzerland	374	840	250	536
Union of Soviet Socialist Republics	618	976	403	467
Yugoslavia	58	223	28	29
Other Europe	109	273	56	120
Asia	----	7,249	----	4,855
China	630	5,112	822	2,992
India	744	946	742	778
Japan	62	84	221	177
Palestine	34	215	54	298
Other Asia	154	892	105	610
Canada	4,654	13,036	5,826	23,351
Newfoundland	138	238	95	168
Mexico	1,724	3,321	2,894	5,835
West Indies	1,865	3,935	2,749	6,828
Central America	479	988	545	1,399
South America	1,297	3,606	1,597	5,325
Africa	395	541	638	610
Australia and New Zealand	396	808	451	935
Philippines	----	366	----	463
Other countries	1,130	2,095	1,171	843

Source: Immigration and Naturalization Service, Annual Report, 1946 and 1947, pp. 79, 80, 83, 84.

TABLE 24.—*Transits admitted to and departed from the United States, July 1948 to March 1949*

Period	Admitted	Departed
Total	78,848	84,092
1948—		
July	13,320	11,142
August	10,497	11,834
September	7,917	9,516
October	8,325	9,511
November	7,586	9,318
December	8,176	7,722
1949—		
January	7,454	9,631
February	6,573	5,817
March	9,000	9,601

Source: Immigration and Naturalization Service, Monthly Report, March 1949.

TABLE 25.—*Number and status of transits in the United States, February and March 1949*

Status	February	March
1. In legal status at beginning of month	4,376	5,120
2. Departure not verified at beginning of month	13,617	10,734
3. Admitted to United States during month	6,573	9,000
4. Total of lines 1, 2, and 3	24,566	24,854
5. Departures from United States during month	5,817	9,601
(a) Voluntary departure verified	5,817	9,597
(b) Result of deportation proceedings		4
6. Cases closed during month	2,895	1,766
(a) Unable to locate	1,591	1,661
(b) Other reasons [1]	1,304	105
7. In legal status at end of month	5,120	5,142
8. Departure not verified at end of month	10,734	8,345
(a) No action initiated	1,090	1,407
(b) Preliminary correspondence	2,607	2,123
(c) Referred for investigation:		
(1) In reporting district [2]	5,544	3,647
(2) In other districts	1,493	1,168
9. Total of lines 5, 6, 7, and 8	24,566	24,854
10. Investigation for failure to depart:		
(a) Pending at beginning of month	6,656	4,231
(b) Received during month	434	451
(c) Completed during month	2,859	940
(d) Pending at end of month	4,231	3,742

[1] Such as death or suspension of deportation.
[2] This refers to the district in which the transit lands in the United States.

Source: Immigration and Naturalization Service Monthly Reports, February and March 1949.

TABLE 26.—*List and history of the treaties of commerce and navigation at present in force*

Argentina: Treaty of friendship, commerce, and navigation, signed July 27, 1853; article II.
Belgium: Treaty of commerce and navigation, signed March 8, 1875; article I.
Bolivia: Treaty of peace, friendship, commerce, and navigation, signed May 13, 1858; article III.
Borneo: Treaty of peace, friendship, commerce, and navigation, signed June 23, 1850; article II.
China: Immigration treaty, signed November 17, 1880; article II.[1]
Colombia: Treaty of peace, amity, navigation, and commerce, signed with New Granada, December 12, 1846; article III.[2]
Costa Rica: Treaty of friendship, commerce, and navigation, signed July 10, 1851; article II.
Denmark: Convention of friendship, commerce, and navigation, signed April 26, 1826; articles II and VI.[3]
El Salvador: Treaty of friendship, commerce, and consular rights, signed February 22, 1926; article I.
Estonia: Treaty of friendship, commerce, and consular rights, signed December 23, 1925; article I.[1]
Ethiopia: Treaty of commerce, signed June 27, 1914; article I.
Finland; Treaty of friendship, commerce, and consular rights, signed February 13, 1934; article I.
Great Britain: Convention to regulate commerce and navigation, signed July 3, 1815; article 1.[4]
Greece: Treaty of establishment, signed November 21, 1936; article I.

[1] The cases of aliens applying for 3 (6) visas as nationals of this country should be referred to the Department for instructions.
[2] The treaty of 1846 with Colombia (New Granada) has continued in force through the several constitutional changes by which the Republic of New Granada, with which it was concluded, became the Confederation Granadina in 1858, the United States of New Granada in 1861, and the United States of Colombia in 1863.
[3] The convention of 1826 with Denmark was abrogated by notice given to Denmark by the United States on April 14, 1855, effective after the expiration of 1 year (April 15, 1856), which was acknowledged by Denmark on April 17, 1855. It was revived, except as to art. V, by art. V of the convention for the discontinuance of the sound dues, signed April 11, 1857.
[4] The convention of 1815 with Great Britain, which is only applicable to British territory in Europe, was concluded for a term of 4 years from the date of signature. It was continued in force for 10 years by art. IV of the convention respecting fisheries, boundary, and the restoration of slaves, signed October 20, 1818, and indefinitely by the commercial convention signed August 6, 1827.

TABLE 26.—*List and history of the treaties of commerce and navigation at present in force*—Continued

Honduras: Treaty of friendship, commerce, and consular rights, signed December 7, 1927; article I.
Ireland (Eire): Convention to regulate commerce and navigation, signed with Great Britain July 3, 1815.[5]
Latvia: Treaty of friendship, commerce, and consular rights, signed April 20, 1928; article I.[1]
Liberia: Treaty of commerce and navigation, signed October 21, 1862; article II.
Norway: Treaty of commerce and navigation, signed with Sweden and Norway July 4, 1827; article I.[6]
Norway: Treaty of friendship, commerce, and consular rights, signed June 5, 1928, and additional article, signed February 25, 1929; article I, article XXIX, third paragraph, and additional article.
Paraguay: Treaty of friendship, commerce, and navigation, signed February 4, 1859; article II.
Poland: Treaty of friendship, commerce, and consular rights, signed June 15, 1931; article I.[1]
Siam: Treaty of friendship, commerce, and navigation, final protocol, signed November 13, 1937; article I and article XVI.
Spain: Treaty of friendship and general relations, signed July 3, 1902; article II.
Switzerland: Convention of friendship, commerce, and extradition, signed November 25, 1850; article I.
Turkey: Treaty of establishment and sojourn, signed October 28, 1931; preamble and article I.
Yugoslavia: Treaty of commerce and navigation, signed with Serbia, October 2-14, 1881; article I.

[5] Ireland was embraced within the territories to which the convention of 1815 with Great Britain applied, and the establishment of the Irish Free State and the change of the name of the state from "Irish Free State" to "Ireland (Eire)" is not regarded as having affected the applicability of the convention to Ireland. The convention is, therefore, applicable between the United States and Ireland (Eire), as well as between the United States and the United Kingdom of Great Britain and Northern Ireland.

[6] The treaty of 1827 with Sweden and Norway and the other treaties in force between the United States and the Union of Sweden and Norway at the time of its dissolution in 1905 were recognized by separate understandings of Sweden and Norway with the United States as applicable thereafter between the United States and each of those countries separately.

The treaty of 1827 was abrogated as to Sweden by notice given to Sweden by the United States on February 4, 1918, whereby the operation of the treaty terminated February 4, 1919. This notice was acknowledged by Sweden on February 12, 1918.

With the exception of the provisions of art. I of the treaty of 1827 concerning the entry and residence of the nationals of the one country in the territories of the other for purposes of trade, this treaty was superseded as between the United States and Norway by the treaty of friendship, commerce, and consular rights, between the United States and Norway, signed at Washington June 5, 1928. The provisions of art. I concerning entry and residence for purposes of trade were continued in force. See art. XXIX of the treaty of 1928 and the additional article to that treaty signed February 25, 1929 (22 CFR 61.144).

TABLE 27.—*Nonimmigrant aliens admitted to the United States to carry on trade under treaty, by country of last permanent residence,[1] fiscal years 1935 to 1948*

Country of last residence	Total 1935–48	1935	1936	1937	1938	1939	1940	1941	1942	1943	1944	1945	1946	1947	1948
All countries	7,086	726	676	787	859	746	791	307	134	49	78	193	378	651	711
Europe	3,201	264	229	355	323	306	346	113	41	25	40	92	252	380	435
Belgium	95	9	9	8	12	6	22	2	....	....	....	....	3	7	17
Czechoslovakia	2	....	2	....	....	....	....	....	....	....	....	....	....	....	....
Denmark	203	9	5	13	14	9	28	7	....	....	....	1	19	30	68
Finland	57	....	....	2	7	....	11	12	....	....	....	....	1	3	21
France	47	10	7	4	5	2	3	2	....	....	....	....	1	5	8
Germany	131	13	14	26	33	24	14	3	....	....	....	....	....	4	....
Great Britain:															
England	1,809	122	130	190	169	188	179	56	29	20	39	83	175	248	181
Scotland	100	2	3	11	9	14	6	4	2	5	1	....	12	13	18
Wales	13	1	....	3	....	....	....	1	....	....	....	2	2	....	4
Greece	42	....	....	3	....	....	19	....	....	....	....	....	2	6	12
Hungary	16	....	....	....	2	4	8	2	....	....	....	....	....	....	....
Ireland (Eire)	33	3	5	2	....	3	....	....	2	....	....	....	1	2	15
Italy	189	64	31	58	32	4	....	....	....	....	....	....	....	....	....
Latvia	3	....	....	2	1	....	....	....	....	....	....	....	....	....	....

[1] Figures include treaty traders, their wives, and unmarried minor children.

TABLE 27.—*Nonimmigrant aliens admitted to the United States to carry on trade under treaty, by country of last permanent residence,[1] fiscal years 1935 to 1948*—Con.

Country of last residence	Total 1935–48	1935	1936	1937	1938	1939	1940	1941	1942	1943	1944	1945	1946	1947	1948
Europe—Continued															
Netherlands	3					1	1	1							
Northern Ireland	41	1	3	3	6	5	4	6	1			3	5	1	3
Norway	75	3	3	5	10	15	6	2				1	5	5	20
Poland	56	1	2	5	11	26	7								4
Portugal	1								1						
Spain	54	12	7	10	6	1	3	3					2	5	5
Sweden	6	2			1	1							1		1
Switzerland	216	11	7	9	4	3	34	12	6			1	22	49	58
Yugoslavia	1						1								
Other Europe	8	1	1	1	1							1	1	2	
Asia	2,896	431	423	404	505	425	422	171	49	1		2	1	23	39
China	1,116	106	135	108	187	168	156	166	48	1		1	1	14	25
India	16			1	1	1	3	2	1					3	4
Japan	1,739	322	288	295	317	256	260	1							
Syria	7						3							2	2
Other Asia	18	3						2				1		4	8
Canada	157	6	4	10	4	1	7		4	5	8	6	22	49	31
Newfoundland	21										1	1	4	14	1
Mexico	14		1	1							2	1			9
West Indies	200	6	2	7	5	3	5	7	19	8	16	29	35	37	21
Central America	17	1		2	3	2		1			1		1	2	4
South America	172	1	9	3	6	4	5	9	15	3	8	10	6	42	51
Africa	29	2			3	1	3		3		2	3		9	3
Australia and New Zealand	36	3		2	5		1	1	1	7		7	1	2	6
Philippines	7	4	1		1		1								
Other countries	336	8	7	3	4	4	1	5	2			42	56	93	111

[1] Figures include treaty traders, their wives, and unmarried minor children.

Source: Immigration and Naturalization Service.

TABLE 28.—*Aliens deported on the ground that they remained in the United States after failing to maintain the status of treaty traders, fiscal years 1930 to 1944 and Nov. 1, 1947 to June 30, 1948* [1]

	Number		Number
Year ended June 30—		Year ended June 30—Continued	
1930	2	1938	1
1931	3	1939	
1932	2	1940	1
1933		1941	
1934	4	1942	1
1935	5	1943	
1936		1944	2
1937	6	November 1947 to June 30, 1948	4

[1] Data for years ended June 30, 1945 to 1947, and for July through October 1947 are not available.

Source: Immigration and Naturalization Service.

TABLE 29.—*Nonimmigrant aliens admitted to the United States to carry on trade under treaty, fiscal years 1945 to 48*

Class	1945	1946	1947	1948
Total	193	378	651	711
Treaty traders	152	332	484	491
Wives of treaty traders	25	29	95	118
Unmarried children of treaty traders	16	17	72	102

Source: Immigration and Naturalization Service.

APPENDIX XIII

PROCEDURES AND ADJUSTMENTS

TABLE 1.—*Cases legalized under sec. 19 (c) AR-670, approved June 28, 1940, 76th Cong., fiscal years 1942-49*

Country	1942	1943	1944	1945	1946	1947	1948	1949
Afghanistan					1		1	2
Albania				2	2		1	
Andorra								
Arabian Peninsula				2	4	2		1
Australia				6		16	10	26
Austria					50	50	10	19
Belgium	1	6	2	47	23	20	8	8
Bhutan								
Bulgaria				11	1	2	3	1
Cameroons:								
British mandate								
French mandate								
China				2	4	3	3	13
Chinese Racial [1]					1	37	27	62
Czechoslovakia		5	3	67	55	30	21	10
Danzig				19	29	10	12	8
Denmark		2	1	77	44	78	1	22
Egypt				7		3	4	2
Estonia		1		24	7	26	17	11
Ethiopia								
Finland		9	1	86	46	36	46	19
France	1	5	1	31	35	53	8	21
Germany	2	59	10	736	535	253	288	96
Great Britain		74	23	686	364	295	311	165
Greece			28	92	12	240	143	154
Hungary	2	6	3	70	52	29	29	10
Iceland								1
India				2		5	12	14
Iran				2	1			2
Iraq				1			1	2
Ireland		6	1	100	42	41	21	11
Italy		119	67	1,813	1,311	500	212	294
Japan				2			4	1
Latvia		44		92	31	23	14	7
Liberia				2	3	1		2
Liechtenstein								
Lithuania		6	4	83	22	19	17	6
Luxemburg								
Monaco								
Morocco								
Muscat								
Nauru								
Nepal								
Netherlands		4	2	66	47	92		30
New Guinea								
New Zealand				2		2	1	1
Norway		9		129	92	154	2	51
Palestine				9	2	10	2	2
Philippine Islands [1]						3	31	50
Poland		56	30	447	194	171	127	69
Portugal		10	8	51	1	112	10	25
Ruanda and Urundi								
Rumania	2	12	7	123	33	83	39	45
Samoa								
San Marino								
Saudi Arabia								
South West Africa				1				
Spain	62	8	4	68	20	209	66	40
Sweden			1	89	46	30	24	20
Switzerland				23	16	10	9	1
Syria and Lebanon				29		22	8	4
Tanganyika Territory								
Thailand (Siam)								
Togoland:								
British mandate								
French mandate								
Turkey		8	6	53	7	140	43	40
Union of South Africa				9		13	1	
U. S. S. R.		12	5	208	98	122	15	23
Yap								
Yugoslavia		10	2	120	42	36	50	22
Total	70	431	207	5,429	3,273	2,981	1,652	1,350

[1] By reason of Public Law 863 approved July 1, 1948; 33 Chinese cases and 1 Philippine case have already been charged against fiscal 1950.

TABLE 2.—*The number of preexamination cases processed, fiscal years 1935 to 1948*

Year ended June 30—	Cases completed	Applications approved	Preexamination denied	Authority revoked
Total	45,170			
1948	5,471	2,111	392	152
1947	5,920	2,585	1,367	791
1946	5,151			
1945	3,471			
1944	4,538			
1943	4,110			
1942	3,002			
1941	3,743			
1940	2,868		[2]	
1939	2,388			
1938	2,023			
1937	[1] 1,532			
1936	[1] 807			
1935	[1] 146			

[1] Preexamination procedure was used only in Canadian border districts during 1934 and 1936. Reports are for hearings accorded.
[2] Not available.

TABLE 3.—*Private immigration and naturalization bills introduced, Jan. 3, 1939, to May 31, 1949*

Number of private immigration and naturalization bills introduced	3,652
In the Senate	1,095
In the House of Representatives	2,557
Approximate number of persons affected	5,934
By bills introduced in the Senate	1,977
By bills introduced in the House of Representatives	3,957
Number of bills introduced for 1 person	3,281
In the Senate	1,154
In the House of Representatives	2,127
Number of bills affecting more than 1 person	620
In the Senate	190
In the House of Representatives	430
Approximate number of persons affected by bills for more than 1 person	2,995
In the Senate	1,083
In the House of Representatives	1,912
Number of bills affecting immigration	3,393
In the Senate	1,008
In the House of Representatives	2,385
Approximate number of persons affected by bills affecting immigration	5,329
In the Senate	1,555
In the House of Representatives	3,774
Number of bills affecting naturalization	277
In the Senate	97
In the House of Representatives	180

TABLE 3.—*Private immigration and naturalization bills introduced, Jan. 3, 1939, to May 31, 1949*—Continued

Number of persons affected by bills affecting naturalization	281
In the Senate	103
In the House of Representatives	178
Number of bills which became private laws	249
Number of bills which were vetoed	34
Number of Senate bills reported from the Senate committee	191
Number of House bills reported from the House committee	440
Number of bills which passed the Senate but not the House	85
Number of bills which passed the House but not the Senate	151
Total number of bills introduced on which no action was taken	3,021
In the Senate	904
In the House of Representatives	2,117

76TH CONG.

Number of private immigration and naturalization bills introduced	627
In Senate	133
In the House of Representatives	494
Approximate number of persons affected	892
Number of persons affected by bills introduced in the Senate	186
Number of persons affected by bills introduced in the House of Representatives	706
Number of bills introduced for 1 person	481
In the Senate	100
In the House of Representatives	381
Number of bills affecting more than 1 person	146
In the Senate	33
In the House of Representatives	113
Approximate number of persons affected by bills for more than 1 person	412
In the Senate	87
In the House of Representatives	325
Number of bills affecting immigration	586
In the Senate	118
In the House of Representatives	468
Approximate number of persons affected by bills affecting immigration	848
In the Senate	170
In the House of Represetatives	678
Number of bills affecting naturalization	44
In the Senate	16
In the House of Representatives	28
Number of persons affected by bills affecting naturalization	45
In the Senate	17
In the House of Representatives	28

TABLE 3.—*Private immigration and naturalization bills introduced, Jan. 3, 1939, to May 31, 1949*—Continued

76TH CONG.—continued

Number of bills which became private laws	56
Number of bills which were vetoed	10
Number of Senate bills reported from the Senate committee	56
Number of House bills reported from the House committee	160
Number of bills which passed the Senate but not the House	21
Number of bills which passed the House but not the Senate	43
Total number of bills introduced in the 76th Cong. on which no action was taken	411
In the Senate	77
In the House of Representatives	334

77TH CONG.

Number of private immigration and naturalization bills introduced	394
In the Senate	76
In the House of Representatives	318
Approximate number of persons affected	1,031
Number of persons affected by bills introduced in the Senate	220
Number of persons affected by bills introduced in the House of Representatives	811
Number of bills introduced for 1 person	294
In the Senate	54
In the House of Representatives	240
Number of bills affecting more than 1 person	99
In the Senate	21
In the House of Representatives	78
Approximate number of persons affected by bills for more than 1 person	739
In the Senate	168
In the House of Representatives	571
Number of bills affecting immigration	353
In the Senate	65
In the House of Representatives	288
Approximate number of persons affected by bills affecting immigration	987
In the Senate	207
In the House of Representatives	780
Number of bills affecting naturalization	43
In the Senate	13
In the House of Representatives	30
Number of persons affected by bills affecting naturalization	44
In the Senate	13
In the House of Representatives	31

TABLE 3.—*Private immigration and naturalization bills introduced, Jan. 3, 1939, to May 31, 1949*—Continued

77TH CONG.—continued

Number of bills which became private laws	24
Number of bills which were vetoed	20
Number of Senate bills reported from the Senate committee	15
Number of House bills reported from the House committee	76
Number of bills which passed the Senate but not the House	9
Number of bills which passed the House but not the Senate	35
Total number of bills introduced in the 77th Cong. on which no action was taken	303
In the Senate	61
In the House of Representatives	242

78TH CONG.

Number of private immigration and naturalization bills introduced	163
In the Senate	28
In the House of Representatives	135
Approximate number of persons affected	253
Number of persons affected by bills introduced in the Senate	50
Number of persons affected by bills introduced in the House of Representatives	203
Number of bills introduced for one person	135
In the Senate	24
In the House of Representatives	111
Number of bills affecting more than one person	28
In the Senate	4
In the House of Representatives	24
Approximate number of persons affected by bills for more than one person	108
In the Senate	26
In the House of Representatives	82
Number of bills affecting immigration	142
In the Senate	21
In the House of Representatives	121
Approximate number of persons affected by bills affecting immigration	226
In the Senate	39
In the House of Representatives	187
Number of bills affecting naturalization	22
In the Senate	7
In the House of Representatives	15
Number of persons affected by bills affecting naturalization	27
In the Senate	11
In the House of Representatives	16

TABLE 3.—*Private immigration and naturalization bills introduced, Jan. 3, 1939, to May 31, 1949*—Continued

78TH CONG.—continued

Number of bills which became private laws	12
Number of bills which were vetoed	0
Number of Senate bills reported from the Senate committee	1
Number of House bills reported from the House committee	34
Number of bills which passed the Senate but not the House	0
Number of bills which passed the House but not the Senate	19
Total number of bills introduced in the 78th Cong. on which no action was taken	128
In the Senate	27
In the House of Representatives	101

79TH CONG.

Number of private immigration and naturalization bills introduced	423
In the Senate	79
In the House of Representatives	344
Approximate number of persons affected	515
Number of persons affected by bills introduced in the Senate	89
Number of persons affected by bills introduced in the House of Representatives	426
Number of bills introduced for 1 person	400
In the Senate	85
In the House of Representatives	315
Number of bills affecting more than 1 person	33
In the Senate	4
In the House of Representatives	29
Approximate number of persons affected by bills for more than 1 person	125
In the Senate	14
In the House of Representatives	111
Number of bills affecting immigration	378
In the Senate	69
In the House of Representatives	309
Approximate number of persons affected by bills affecting immigration	467
In the Senate	79
In the House of Representatives	391
Number of bills affecting naturalization	49
In the Senate	11
In the House of Representatives	38
Number of persons affected by bills affecting naturalization	49
In the Senate	11
In the House of Representatives	38

TABLE 3.—*Private immigration and naturalization bills introduced, Jan. 3, 1939, to May 31, 1949*—Continued

79TH CONG.—continued

Number of bills which became private laws	14
Number of bills which were vetoed	0
Number of Senate bills reported from the Senate committee	7
Number of House bills reported from the House committee	41
Number of bills which passed the Senate but not the House	2
Number of bills which passed the House but not the Senate	26
Total number of bills introduced in the 79th Cong. on which no action was taken	375
In the Senate	72
In the House of Representatives	303

80TH CONG.

Number of private immigration and naturalization bills introduced	1, 157
In the Senate	380
In the House of Representatives	777
Approximate number of persons affected	1, 457
Number of persons affected by bills introduced in the Senate	570
Number of persons affected by bills introduced in the House of Representatives	887
Number of bills introduced for 1 person	1, 004
In the Senate	324
In the House of Representatives	680
Number of bills affecting more than 1 person	153
In the Senate	56
In the House of Representatives	97
Approximate number of persons affected by bills for more than 1 person	552
In the Senate	253
In the House of Representatives	299
Number of bills affecting immigration	1, 105
In the Senate	358
In the House of Representatives	747
Approximate number of persons affected by bills affecting immigration	1, 398
In the Senate	547
In the House of Representatives	851
Number of bills affecting naturalization	60
In the Senate	28
In the House of Representatives	32
Number of persons affected by bills affecting naturalization	67
In the Senate	29
In the House of Representatives	38

TABLE 3.—*Private immigration and naturalization bills introduced, Jan. 3, 1939, to May 31, 1949*—Continued

80TH CONG.—continued

Number of bills which became private laws	120
Number of bills which were vetoed	4
Number of Senate bills reported from the Senate Committee	93
Number of House Bills reported from the House Committee	89
Number of bills which passed the Senate but not the House	47
Number of bills which passed the House but not the Senate	9
Total number of bills introduced in the 80th Cong. on which no action was taken	975
In the Senate	287
In the House of Representatives	688

81ST CONG.[1]

Number of private immigration and naturalization bills introduced	888
In the Senate	399
In the House of Representatives	489
Approximate number of persons affected	1,786
Number of persons affected by bills introduced in the Senate	862
Number of persons affected by bills introduced in the House of Representatives	924
Number of bills introduced for 1 person	727
In the Senate	327
In the House of Representatives	400
Number of bills affecting more than 1 person	161
In the Senate	72
In the House of Representatives	89
Approximate number of persons affected by bills for more than 1 person	1,059
In the Senate	535
In the House of Representatives	524
Number of bills affecting immigration	829
In the Senate	377
In the House of Representatives	452
Approximate number of persons affected by bills affecting immigration	1,400
In the Senate	513
In the House of Representatives	887
Number of bills affecting naturalization	59
In the Senate	22
In the House of Representatives	37
Number of persons affected by bills affecting naturalization	59
In the Senate	22
In the House of Representatives	37

[1] To May 31, 1949.

TABLE 3.—*Private immigration and naturalization bills introduced, Jan. 3, 1939, to May 31, 1949*—Continued

81ST CONG.—continued

Number of bills which became private laws	23
Number of bills which were vetoed	0
Number of Senate bills reported from the Senate committee	19
Number of House bills reported from the House committee	40
Number of bills which passed the Senate but not the House	6
Number of bills which passed the House but not the Senate	19
Total number of bills introduced in the 81st Cong. on which no action was taken	829
In the Senate	380
In the House of Representatives	449

TABLE 4.—*Private immigration and naturalization bills introduced from Jan. 3, 1939, to May 31, 1949*

Total number introduced	3,652
	Percent
No action taken	82
Action taken	17
Became private laws	6.8
Of the Senate bills received action of some sort in the Senate	17
Of the House bills received action of some sort in the House	17
Bills affecting immigration	93
Bills affecting naturalization	7

TABLE 5.—*Private immigration and naturalization bills*

1st sess., 81st Cong.:		
Total number introduced		1,348
Senate	572	
House	776	
Number which became private laws		82
From Jan. 3, 1939, to Oct. 19, 1949:		
Total number introduced		4,112
Number which became private laws (7.4 percent)		308

TABLE 6.—*Man-days detention*

Fiscal year	At Government expense			At expense of transportation lines or other agencies (reimbursable)			Total		
	At service facility	Under contract	Total	At service facility	Under contract	Total	At service facility	Under contract	Total
1949	274,601	232,606	507,207	163,653	2,670	166,323	438,254	235,276	673,530
1948	326,919	265,229	592,148	234,498	5,186	239,684	561,417	270,415	831,832
1947	628,806	257,823	886,629	162,344	6,098	168,442	791,150	263,921	1,055,071

Source: Immigration and Naturalization Service.

TABLE 7.—*Comparative per capita costs of maintenance and detention, fiscal year 1949*

Description	Ellis Island	Boston	Seattle	San Francisco	Terminal Island	El Centro	Camp Elliott	Honolulu	All facilities
Detainee maintenance:									
Food	$0.72	$1.07	$1.78	$0.82	$1.14	$0.45	$0.51	$1.41	$0.75
Clothing and welfare	.02	.....	.06	.....	.18	.04	.08	.....	.05
Total maintenance	.74	1.07	1.84	.82	1.32	.49	.59	1.41	.80
Station operation:									
Utilities	.08	.23	.....	.01	.10	.06	.57	.23	.14
Repairs	.64	.12	.....	.....	.05	.02	.02	.83	.21
Equipment	.07	.....	.....	.03	.....	.....	.....	.....	.03
Communication services	.04	.04	.....	.....	.....	.....	.....	.....	.01
Supplies and fuel	1.05	.63	.04	.10	.20	.03	.04	.21	.37
Total operation	1.88	1.02	.04	.14	.35	.11	.63	1.27	.76
Total maintenance and operation	2.62	2.09	1.88	.96	1.67	.60	1.22	2.68	1.56
Total salaries	8.30	8.96	5.66	1.82	2.95	.94	.85	6.67	3.78
Grand total (man-days 438,254)	10.92	11.05	7.54	2.78	4.62	1.54	2.07	9.35	5.34
Less reimbursements	−.89	−1.33	−.50	−1.58	−1.16	−.30	−.45	−1.57	−.87
Net cost to Government	10.03	9.72	7.04	1.20	3.46	1.24	1.62	7.78	4.47
Man-days' detention	127,021	8,686	15,523	92,107	44,761	72,866	75,022	2,268	438,254
Average daily population	348	24	42	253	123	200	206	5	1,201
Current average population (June 30, 1949)	418	20	40	484	161	124	206	20	1,473
Maximum capacity	1,276	210	180	500	320	252	360	250	3,348

NOTE.—During the year there were 235,276 man-days contractual maintenance and detention at an average unit cost of $1.35; an average of 645 detained under contract.
At the close of June 30, 1949, there were 318 in detention at Government expense and 233 at others' expense.

Source: Immigration and Naturalization Service.

TABLE 8.—*Apprehensions, fiscal years 1940 to 1949*

Fiscal year:	*Persons apprehended*	Fiscal year—Continued	*Persons apprehended*
1949	309, 440	1943	20, 537
1948	214, 223	1942	18, 946
1947	213, 617	1941	17, 056
1946	115, 160	1940	18, 046
1945	81, 909	1939	20, 887
1944	40, 860	1938	22, 930

Source: Immigration and Naturalization Service.

APPENDIX XIV

NATIONALITY STATISTICS

TABLE 1.—*Persons naturalized, by country of former allegiance, fiscal years 1939 to 1948*

Country or region of former allegiance	1939–48	1939	1940	1941	1942	1943	1944	1945	1946	1947	1948
All countries	2,278,161	188,813	235,260	277,294	270,364	318,933	441,979	231,402	150,062	93,904	70,150
Europe	2,153,497	184,727	229,763	270,160	262,002	302,843	425,125	215,769	133,391	74,179	55,538
Albania	3,093	223	280	316	311	548	588	340	249	143	95
Belgium	10,033	917	1,082	1,290	1,532	1,497	1,345	776	698	496	400
British Empire	560,852	47,500	59,660	72,760	90,405	94,361	88,493	43,643	31,321	20,328	12,361
Bulgaria	2,703	310	364	346	166	206	542	293	247	137	92
Czechoslovakia	78,561	7,848	9,059	10,890	11,106	13,018	12,899	5,878	4,165	2,239	1,459
Danzig	746	53	51	50	21	51	170	144	84	67	55
Denmark	17,429	1,440	1,874	2,408	2,817	2,903	2,733	1,337	894	577	446
Eire [1]	1,146										1,146
Estonia	1,359	95	116	114	162	198	261	138	105	107	63
Finland	21,433	2,047	2,610	2,786	3,143	3,216	3,153	1,931	1,220	753	574
France	22,223	1,625	2,104	2,267	2,611	3,194	3,035	2,809	2,136	1,442	1,000
Germany:											
Austria	9,572								6,357	1,930	1,285
Germany	246,967	19,940	25,802	27,719	12,360	17,883	62,274	45,336	17,464	10,703	7,486
Greece	44,364	3,540	4,378	4,913	5,873	6,963	7,549	4,305	3,313	1,847	1,683
Hungary	53,769	4,347	6,291	7,992	3,794	4,810	13,964	6,320	3,385	1,595	1,271
Italy	357,354	31,933	37,357	40,827	18,663	36,238	106,626	41,643	23,099	11,516	9,452
Latvia	5,614	379	574	578	858	877	1,017	540	387	210	194
Lithuania	37,849	2,986	3,809	4,999	5,687	6,081	6,624	3,581	2,250	1,061	771
Luxemburg	917	68	105	114	171	123	147	64	43	42	40
Netherlands	22,110	1,955	2,618	3,102	3,075	3,267	3,020	1,681	1,538	1,043	811
Norway	35,064	2,810	3,413	4,581	5,799	5,755	6,031	2,838	1,819	1,099	919
Poland	247,238	21,585	26,964	31,654	36,757	42,170	42,758	20,812	12,907	6,495	5,136
Portugal	28,677	2,725	2,889	2,668	3,303	4,639	4,589	3,330	2,237	1,286	1,011
Rumania	31,776	2,955	3,935	4,692	1,955	2,782	8,137	3,730	1,829	929	832
Spain	21,095	1,955	2,271	3,028	2,851	3,278	3,060	1,826	1,324	753	749
Sweden	54,306	4,718	5,746	8,128	9,241	9,472	8,106	3,809	2,482	1,405	1,199
Switzerland	13,799	1,397	1,735	1,725	1,956	2,136	1,891	1,040	841	585	493
Turkey	19,164	1,938	2,140	2,390	2,804	3,164	3,115	1,571	1,039	522	481
U. S. S. R.	151,141	11,499	15,598	19,939	26,811	25,488	25,533	12,164	7,404	3,562	3,143
Yugoslavia	52,818	5,916	6,908	7,867	7,745	8,484	7,409	3,849	2,524	1,258	858
Other Europe	325	23	10	17	25	41	56	41	30	49	33

Asia	15,349	1,068	1,246	1,567	1,837	2,487	2,946	982	806	977	1,433
China	4,312	30	20	57	45	497	731	739	599	831	763
Iran	1,535	163	170	176	250	251	218	124	74	60	49
Palestine [2]	789	45	89	68	102	160	223	[3]	[3]	[3]	102
Syria [3]	7,421	735	873	1,017	1,283	1,518	1,595	[3]	[3]	[3]	400
Other Asia [4]	1,292	95	94	249	157	61	179	119	133	86	119
Canada	3,860										3,860
Mexico	43,360	1,743	2,669	3,757	4,300	6,799	7,474	6,352	5,135	3,336	1,895
West Indies	8,236	315	472	543	751	1,317	1,604	964	876	652	642
Central America [4]	3,936	175	226	285	425	605	659	475	489	324	273
South America [4]	7,161	476	563	664	771	1,145	1,362	799	644	364	373
Africa [4]	427	46	44	41	40	91	98	5	7	4	51
Philippines	28,086	263	277	277	238	3,646	2,646	1,563	2,644	10,764	5,768
United States possessions [5]	737						[5] 65	93	88	476	15
Stateless	13,512							4,400	5,982	2,828	302

[1] Eire is included in British Empire prior to 1948.
[2] Palestine is included in British Empire 1945 to 1947.
[3] Syria is included in France 1945 to 1947.
[4] Independent countries.
[5] In 1944 includes 5 persons who formerly owed allegiance to western Samoa.

Source: Immigration and Naturalization Service.

TABLE 2.—*Persons naturalized, by country or region of birth and year of entry, fiscal year 1948*

Country or region of birth	Number naturalized	Year of entry									
		1940–48	1930–39	1920–29	1910–19	1900–1909	1890–99	1880–89	1870–79	1860–69	Unknown
All countries	70,150	13,341	8,956	24,755	13,135	7,899	1,095	456	77	10	426
Europe	49,478	9,357	6,416	15,607	9,862	6,970	818	303	42	8	95
Austria	1,357	507	209	233	195	174	25	7	3	------	4
Belgium	374	192	43	55	52	21	4	5	------	------	2
Bulgaria	98	21	19	27	22	9	------	------	------	------	------
Czechoslovakia	1,440	372	219	318	271	228	21	7	1	------	3
Denmark	437	74	40	184	64	49	12	6	------	------	8
Eire	1,813	163	260	920	186	201	57	24	1	1	------
Estonia	54	25	10	14	2	1	------	------	------	------	2
Finland	586	97	96	117	171	95	5	------	2	------	3
France	784	325	109	217	70	52	4	4	3	------	------
Germany	7,805	1,975	1,520	3,621	292	217	92	65	13	4	6
Great Britain:											
England	2,979	686	369	1,194	421	202	55	38	6	1	7
Scotland	1,519	151	201	907	162	64	10	17	3	------	4
Wales	128	21	23	64	5	7	5	3	------	------	------
Greece	1,576	288	219	368	498	198	4	------	1	------	------
Hungary	1,308	250	128	183	371	346	21	6	------	------	3
Italy	9,328	558	1,513	2,901	2,283	1,814	213	33	2	------	11
Latvia	216	83	17	40	32	40	2	2	------	------	------
Lithuania	783	94	27	75	293	282	10	1	------	------	1
Netherlands	716	255	107	196	106	38	6	4	------	------	4
Northern Ireland	511	50	68	262	61	48	16	5	------	------	1
Norway	930	131	90	395	162	120	14	10	1	------	7
Poland	5,375	1,557	342	786	1,525	1,056	87	17	2	------	3
Portugal	1,005	106	83	317	331	149	15	------	------	------	4
Rumania	885	196	101	240	188	153	6	1	------	------	------
Spain	740	116	96	265	204	50	3	1	------	------	5
Sweden	1,189	84	56	545	250	184	41	19	1	1	8
Switzerland	462	126	58	172	59	36	3	6	------	1	1
U. S. S. R.	3,381	584	147	539	1,138	867	77	20	3	------	6
Yugoslavia	842	100	115	182	242	198	4	------	------	------	1
Other Europe	857	170	131	270	206	71	6	2	------	------	1
Asia	1,670	282	169	591	405	184	23	3	1	------	12
China	808	103	59	359	203	58	12	3	1	------	10
India	97	38	7	29	20	3	------	------	------	------	------
Japan	11	4	2	1	2	1	------	------	------	------	1
Palestine	90	36	23	16	12	3	------	------	------	------	------
Other Asia	664	101	78	186	168	119	11	------	------	------	1
Canada	7,393	2,091	903	2,730	864	431	204	129	24	1	16
Newfoundland	332	139	33	123	18	15	3	------	1	------	------
Mexico	1,893	195	94	869	607	96	17	8	3	------	4
West Indies	1,887	453	230	722	367	77	13	5	2	1	17
Central America	305	146	40	85	22	------	------	------	------	------	12
South America	475	139	62	192	60	16	1	------	------	------	5
Africa	207	133	17	38	12	6	1	------	------	------	------
Australia and New Zealand	280	187	28	36	14	9	3	1	------	------	2
Philippines	5,770	67	927	3,688	859	74	------	1	2	------	152
Other countries	460	152	37	74	45	21	12	6	2	------	111

Source: Immigration and Naturalization Service.

TABLE 3.—*Percent of foreign-born white population of all ages naturalized and rank by country of origin, 1920–40*

Foreign-born white	Percent naturalized			Rank according to percent naturalization			Rank according to length of residence, 1930
	1940	1930	1920	1940	1930	1920	
All countries	64.6	56.5	47.2				
Austria	66.2	63.0	37.7	15	11	17	15
Canada:							
French	56.1	46.9	44.8	23	22	13	8
Other	60.8	53.4	57.9	19	17	9	11
Czechoslovakia	68.0	61.3	45.8	13	13	12	13
Denmark	78.1	74.9	69.2	1	1	2	4
England	71.9	67.0	63.1	8	7	7	9
Finland	60.8	51.0	41.3	20	18	14	16
France	68.6	63.1	56.7	12	10	10	10
Germany	73.6	70.5	72.8	4	4	1	1
Greece	58.4	44.7	16.8	22	24	23	24
Hungary	64.3	55.7	29.1	16	15	18	21
Irish Free State	72.5	66.1	65.7	6	9	5	7
Northern Ireland	72.2	68.1		7	5		6
Italy	62.5	50.0	28.1	17	20	19	20
Lithuania	55.8	47.5	25.6	24	21	21	19
Netherlands	71.8	66.6	56.0	9	8	11	12
Norway	75.2	70.9	67.3	3	3	4	5
Poland	59.7	50.5	28.0	21	19	20	18
Rumania	68.9	60.3	41.1	11	14	15	22
Russia	69.6	62.2	40.2	10	12	16	17
Scotland	67.4	53.5	60.9	14	16	8	14
Sweden	77.1	72.6	69.0	2	2	3	2
Switzerland	73.6	67.4	64.9	5	6	6	3
Yugoslavia	61.3	46.3	25.2	18	23	22	23

Source: Brown and Roucek, One America (1937), table XXI, p. 657.

TABLE 4.—*Number of aliens registered by country of birth, Dec. 31, 1940; decrease through naturalization, Jan. 1, 1941, to June 30, 1944*

Country of birth	Number of aliens by country of birth, Dec. 31, 1940	Naturalizations, January to June 1941		Number of aliens June 30, 1941	Naturalizations during 1942		Number of aliens June 30, 1942	Naturalizations during 1943		Number of aliens June 30, 1943	Naturalizations during 1944		Number of aliens June 30, 1944	Percent of 1940 group naturalized by June 30, 1944
		Number	Percent		Number	Percent		Number	Percent		Number	Percent		
All countries	5,009,857	157,844	.....	4,852,013	270,364	.....	4,581,649	317,508	.....	4,264,141	435,483	.....	3,828,658	.....
Belgium	16,358	745	4.6	15,613	1,532	9.8	14,081	1,494	10.6	12,587	1,325	10.5	11,262	31.1
British Empire	1,057,114	41,831	4.0	1,015,283	90,507	8.9	924,776	93,984	10.2	830,792	86,431	10.4	744,361	29.6
Czechoslovakia	73,909	6,561	8.9	67,348	11,106	16.5	56,242	12,979	23.1	43,263	12,779	29.5	30,484	58.8
Denmark	30,385	1,391	4.6	28,994	2,817	9.7	26,177	2,889	11.0	23,288	2,681	11.5	20,607	32.2
Finland	50,758	1,606	3.2	49,152	3,143	6.4	46,009	3,210	7.0	42,799	3,116	7.3	39,683	21.8
France	34,427	1,241	3.6	33,186	2,611	7.9	30,575	3,186	10.4	27,389	2,996	10.9	24,393	29.2
Germany (including Austria)	514,585	15,241	3.0	499,344	12,360	2.5	486,984	17,774	3.6	469,210	61,598	13.1	407,612	20.8
Greece	83,102	2,806	3.4	80,296	5,873	7.3	74,423	6,938	9.3	67,485	7,447	11.0	60,038	27.8
Hungary	117,828	4,669	4.0	113,159	3,794	3.4	109,365	4,792	4.4	104,573	13,897	13.3	90,676	23.1
Italy	703,445	22,545	3.2	680,900	18,663	2.7	662,237	36,118	5.5	626,119	105,995	16.9	520,124	26.1
Lithuania	87,369	2,918	3.3	84,451	5,687	6.7	78,764	6,067	7.7	72,697	6,592	9.1	66,105	24.3
Netherlands	33,335	1,678	5.0	31,657	3,075	9.7	28,582	3,249	11.4	25,333	2,966	11.7	22,367	32.9
Norway	68,979	2,828	4.1	66,151	5,799	8.8	60,352	5,740	9.5	54,612	5,823	10.7	48,789	29.3
Poland	446,462	18,193	4.1	428,269	36,757	8.6	391,512	42,077	10.7	349,435	42,465	12.2	306,970	31.3
Portugal	74,471	1,536	2.1	72,935	3,303	4.5	69,632	4,631	6.7	65,001	4,533	7.0	60,468	18.8
Rumania	32,664	2,713	8.3	29,951	1,955	6.5	27,996	2,777	9.9	25,219	8,102	32.1	17,117	47.6
Soviet Russia	370,308	11,573	3.1	358,735	26,811	7.5	331,924	25,444	7.7	306,480	25,384	8.3	281,096	24.1
Spain	40,743	1,224	3.0	39,519	2,851	7.2	36,668	3,270	8.9	33,398	3,014	9.0	30,384	25.4
Sweden	103,407	4,796	4.6	98,611	9,241	9.4	89,370	9,448	10.6	79,922	7,998	10.0	71,924	30.5
Switzerland	24,822	902	3.6	23,920	1,956	8.2	21,964	2,127	9.7	19,837	1,866	9.4	17,971	27.6
Yugoslavia	56,532	4,614	8.2	51,918	7,745	14.9	44,173	8,471	19.2	35,702	7,352	20.6	28,350	49.9
Other Europe	122,188	851	.7	121,337	1,714	1.4	119,623	2,038	1.7	117,585	2,744	2.3	114,841	6.0
Syria and Lebanon	25,209	547	2.2	24,662	1,283	5.2	23,379	1,513	6.5	21,866	1,577	7.2	20,289	19.5
Turkey	44,741	1,323	3.0	43,418	2,804	6.5	40,614	3,159	7.8	37,455	3,087	8.2	34,368	23.2
Other Asia [1]	140,830	268	.....	140,562	452	.....	140,110	797	.....	139,313	1,042	.....	138,271	.....
Africa-Pacific [1]	91,412	203	.....	91,209	278	.....	90,931	3,603	.....	87,328	2,422	.....	84,906	.....
Mexico	423,519	2,230	.5	421,289	4,300	1.0	416,989	6,703	1.6	410,286	6,761	1.6	403,525	4.7
West Indies	21,405	273	1.3	21,132	751	3.6	20,381	1,298	6.4	19,083	1,533	8.0	17,550	18.0
Central America	8,870	161	1.8	8,709	425	4.9	8,284	597	7.2	7,687	631	8.2	7,056	20.5
South America	20,940	377	1.8	20,563	771	3.7	19,792	1,135	5.7	18,657	1,326	7.1	17,331	17.2
Miscellaneous [1 2]	89,740	.....	.....	89,740	.....	.....	89,740	.....	.....	89,740	.....	.....	89,740	.....

[1] includes persons racially ineligible for naturalization.
[2] Expatriated women, persons whose country of birth is unknown, persons born on ship, and others.

Source: Immigration and Naturalization Service.

TABLE 5.—*Aliens of enemy nationalities during World War II who have been naturalized, fiscal years, Jan. 1, 1941, to June 30, 1948*

	Total	Jan. 1 to June 30, 1941	1942	1943	1944	1945	1946	1947	1948
Total	523,316	45,369	36,962	61,919	191,543	97,348	46,096	24,919	19,160
Bulgaria	1,894	201	166	206	542	293	247	137	92
Germany	188,747	15,241	12,360	17,883	62,274	45,336	17,464	10,703	7,486
Hungary	39,808	4,669	3,794	4,810	13,964	6,320	3,385	1,595	1,271
Italy	269,782	22,545	18,663	36,238	106,626	41,643	23,099	11,516	9,452
Rumania	22,907	2,713	1,955	2,782	8,137	3,730	1,829	929	832
Japan	188	.....	24	.....	.....	26	72	39	27

Source: Immigration and Naturalization Service, Research and Education Division.

TABLE 6.—*Persons naturalized, by sex and age, fiscal years 1940–48*

Sex and age	1940	1941	1942	1943 [1]	1944 [1]	1945 [1]	1946 [1]	1947	1948
Both sexes	235,260	277,294	270,364	317,508	435,483	225,736	148,008	93,904	70,150
Under 21 years	.....	.....	34	2,476	5,609	1,669	1,244	544	476
21 to 25 years	5,711	6,401	6,222	15,829	19,441	8,246	7,269	5,495	2,970
26 to 30 years	20,554	21,592	18,682	22,148	22,979	11,540	7,818	6,627	3,783
31 to 35 years	33,138	37,339	35,004	37,021	43,893	14,902	10,823	7,221	4,131
36 to 40 years	39,819	48,120	46,156	49,174	61,139	24,399	16,289	11,205	7,867
41 to 45 years	37,705	44,850	44,391	47,706	65,517	29,976	19,341	14,091	11,113
46 to 50 years	32,924	40,596	41,547	46,510	65,280	32,131	20,142	13,137	11,170
51 to 55 years	26,575	32,560	33,033	38,392	57,915	32,856	20,783	11,531	9,481
56 to 60 years	16,954	21,597	22,153	28,418	44,273	29,409	18,599	9,601	8,018
61 to 65 years	10,860	13,098	12,809	16,649	27,173	20,864	13,185	7,347	5,637
66 to 70 years	6,560	6,832	6,483	8,464	14,418	11,952	7,636	4,260	3,304
71 to 75 years	3,038	3,013	2,668	3,257	5,534	5,226	3,298	1,953	1,445
Over 75 years	1,422	1,296	1,182	1,464	2,312	2,566	1,581	892	755
Male	132,406	136,348	112,040	156,245	196,227	111,059	74,250	52,998	33,147
Under 21 years	.....	.....	19	2,359	5,378	1,579	1,115	406	257
21 to 25 years	3,556	3,541	3,404	12,004	11,915	4,115	3,297	3,032	711
26 to 30 years	11,971	10,700	8,072	12,710	11,394	5,191	3,719	4,141	1,094
31 to 35 years	18,679	17,670	13,706	18,788	19,636	6,668	5,116	4,073	1,569
36 to 40 years	20,973	21,925	17,641	22,575	24,960	10,772	7,902	6,425	3,672
41 to 45 years	19,396	19,555	16,219	20,428	25,416	13,777	9,151	8,185	5,625
46 to 50 years	17,974	19,016	15,707	18,801	24,659	14,770	9,481	7,505	5,679
51 to 55 years	16,029	17,401	14,356	17,599	25,108	15,788	10,095	6,122	4,535
56 to 60 years	10,620	12,406	10,836	14,646	21,986	15,658	9,926	5,051	4,098
61 to 65 years	6,736	7,651	6,547	9,063	14,303	11,955	7,535	4,195	2,981
66 to 70 years	3,903	4,006	3,389	4,559	7,371	6,537	4,236	2,310	1,737
71 to 75 years	1,811	1,713	1,461	1,864	2,994	2,846	1,819	1,075	766
Over 75 years	848	764	683	849	1,197	1,403	858	478	423
Female	102,854	140,946	158,324	161,263	239,256	114,677	73,758	40,906	37,003
Under 21 years	.....	.....	15	117	231	90	129	138	219
21 to 25 years	2,155	2,860	2,818	3,825	7,526	4,131	3,972	2,463	2,259
26 to 30 years	8,583	10,892	10,610	9,438	11,585	6,349	4,099	2,486	2,689
31 to 35 years	14,459	19,669	21,298	18,233	24,257	8,234	5,707	3,148	2,562
36 to 40 years	18,846	26,195	28,515	26,599	36,179	13,627	8,387	4,786	4,195
41 to 45 years	18,399	25,295	28,172	27,278	40,101	16,199	10,190	5,906	5,488
46 to 50 years	14,950	21,580	25,840	27,709	40,621	17,361	10,661	5,632	5,491
51 to 55 years	10,546	15,159	18,677	20,793	32,807	17,068	10,688	5,409	4,946
56 to 60 years	6,334	9,191	11,317	13,772	22,287	13,751	8,673	4,550	3,920
61 to 65 years	4,124	5,447	6,262	7,586	12,870	8,909	5,650	3,152	2,656
66 to 70 years	2,657	2,826	3,094	3,905	7,047	5,415	3,400	1,950	1,567
71 to 75 years	1,227	1,300	1,207	1,393	2,630	2,380	1,479	878	679
Over 75 years	574	532	499	615	1,115	1,163	723	411	332

[1] Does not include 1,425 members of the armed forces naturalized overseas in 1943; 6,496 in 1944; 5,666 in 1945, and 2,054 in 1946.

Source: Immigration and Naturalization Service.

TABLE 7.—*Judgments of naturalization revoked, by grounds for revocation, fiscal years 1937–46*

Grounds for revocation	1937–46	1937	1938	1939	1940	1941	1942	1943	1944	1945	1946
All grounds	6,631	991	1,085	882	1,011	1,055	640	378	238	165	186
Total cases involving fraud	6,520	990	1,048	862	994	1,039	636	370	234	165	182
Fraudulent certificate of arrival	224	112	31	9	38	18	7	4	5	-----	-----
Fraudulent immigration visa	45	-----	7	14	8	6	3	5	2	-----	-----
False representation by petitioner	776	51	194	117	140	80	63	43	52	26	10
False representation by witnesses	99	-----	26	4	33	21	11	1	3	-----	-----
Bad moral character	134	31	17	10	7	17	12	14	13	9	4
Lack of attachment to principles of U. S. Constitution (mental reservation)	126	-----	-----	-----	-----	-----	-----	82	38	6	-----
Establishment of permanent residence abroad within 5 years after naturalization	5,086	790	768	700	766	897	540	221	118	124	162
Other grounds of fraud	30	6	5	8	2	-----	-----	-----	3	-----	6
Total cases involving illegality	40	1	14	3	11	5	1	2	2	-----	1
Erroneous allegiance (renunciation of wrong sovereignty)	5	1	4	-----	-----	-----	-----	-----	-----	-----	-----
Ineligible person	5	-----	-----	-----	3	1	-----	-----	-----	-----	1
Lack of jurisdiction	15	-----	4	3	4	2	-----	1	1	-----	-----
Irregular procedure	9	-----	-----	-----	4	2	1	1	1	-----	-----
Other cases involving illegality	6	-----	6	-----	-----	-----	-----	-----	-----	-----	-----
Dishonorable discharge following naturalization	3	-----	-----	-----	-----	-----	-----	-----	-----	-----	3
As part of criminal proceedings (sec. 338 (e) Naturalization Act of 1940)	68	-----	23	17	6	11	3	6	2	-----	-----

Source: Immigration and Naturalization Service.

TABLE 8.—*Cancellation of naturalization, fiscal years 1942 to 1948*

Causes of revocation	Year of revocation						
	1942	1943	1944	1945	1946	1947	1948
Total cancellations	640	378	238	165	186	94	163
Causes:							
Permanent residence abroad (Nationality Act, 1940)	-----	221	118	124	162	78	150
Fraud [1]	-----	151	62	41	21	16	13
Mental reservations	-----	-----	38	-----	-----	-----	-----
Treason	-----	-----	1	-----	-----	-----	-----
Technical illegality	-----	-----	4	-----	-----	-----	-----
Criminal proceedings (sec. 338)	-----	6	2	-----	-----	-----	-----
Dishonorable discharge	-----	-----	-----	-----	3	-----	-----
Immoral character	-----	-----	13	-----	-----	-----	-----

[1] In some years the terminology used is "fraudulently or illegally procured".

Source: Immigration and Naturalization Service, annual reports.

TABLE 9.—*Number of persons losing nationality in the United States, by cause, fiscal years 1945–48*

Reason for loss of nationality	1945	1946	1947	1948
1. By being naturalized or taking oath of allegiance to foreign state	738	------	------	1,642
2. By entering or serving in the armed forces of a foreign state	339	------	------	1,203
3. By making formal renunciation of nationality before United States diplomatic or consular officer	344	------	------	552
4. By voting in a foreign political election or plebiscite	473	------	------	2,641
5. By departing from or remaining outside the United States in time of war for purpose of avoiding United States military service, or deserting from armed forces of United States	1	------	------	135
6. Other grounds	41	------	------	606
Total	[1] 1,936	6,758	1,113	6,779

[1] In addition to approximately 5,000 citizens, mostly Japanese, whose renunciation was approved as provided by section 401 of the Nationality Act.

Source: Annual report of the Immigration and Naturalization Service for the year involved.

TABLE 10.—*Petitions for naturalization denied, by reasons for denial, fiscal years 1944 to 1948*

Reasons for denial	1944	1945	1946	1947	1948
Number denied	7,297	9,782	6,575	3,953	2,887
Not of good moral character	979	1,429	820	439	304
Subversive to organized government	3	1	2	------	1
Unwillingness to take an unqualified oath of allegiance	86	84	12	4	3
Not attached to principles of Constitution	104	310	341	173	117
Not well disposed to the good order and happiness of the United States	38	26	5	1	11
Ineligibility (racial, acts of 1912 and 1918)	5	8	6	1	3
Failure to qualify under special acts	229	117	12	15	14
Certificates of arrival, none or invalid	45	68	22	15	10
Declaration of intention invalid	18	67	59	21	16
Petition for naturalization invalid	5	13	8	2	2
Unable to sign petition in own handwriting	3	13	2	3	6
Failure to produce witness or deposition	23	5	3	6	------
Witness incompetent	5	15	4	6	6
Lack of sufficient residence	38	59	33	25	18
Removed from, or lack of, jurisdiction	51	119	38	25	22
Petitioner's own motion for discontinuance	1,121	542	86	33	45
Insane or mentally deficient	31	10	2	------	------
Not sufficiently informed	179	89	46	14	37
Unable to speak English	39	46	42	25	10
Already an American citizen	1,330	1,359	183	73	43
Applicant died before petition disposed of	1,792	1,564	687	338	277
Want of prosecution (applicant failed to appear, indifference, etc.)	985	3,768	4,121	2,718	1,936
Miscellaneous reasons	188	70	41	16	6

Source: Immigration and Naturalization Service.

TABLE 11.—*Persons naturalized, classified by statutory provisions for naturalization, fiscal years 1945 to 1948*

Nationality law and section under which petition was filed	1945	1946	1947	1948
Total naturalized	231,402	150,062	93,904	70,150
Nationality Act of 1940:				
General provisions	137,729	93,346	46,339	34,347
Secs. 310 (a) (b), 311, and 312, persons married to United States citizens	69,526	40,190	27,066	28,898
Secs. 315, 316, children, including adopted children, of United States citizen parents	182	118	245	419
Sec. 317 (a), women who lost United States citizenship through marriage	506	414	316	296
Sec. 317 (c), dual United States nationals expatriated by entering or serving in armed forces of a foreign state	6	8	22	29
Sec. 318 (a), former United States citizens expatriated through expatriation of parents	4	13	6	12
Sec. 319 (a), persons who lost citizenship through cancellation of parents' naturalization	4	.....	2	1
Sec. 320, persons misinformed prior to July 1, 1920, regarding citizenship status	86	63	31	26
Sec. 321A, Filipino persons whose continuous residence in the United States commenced prior to May 1, 1934 [1]	.....	.....	2,655	4,200
Sec. 322, noncitizen natives of Puerto Rico, declaration of allegiance	14	11	.....	15
Sec. 324, persons who served in United States armed forces for 3 years	25	39	83	98
Sec. 325, persons who served on certain United States vessels	194	246	241	418
Sec. 701, persons naturalized while serving in the United States armed forces in World War II	14,314	7,391	1,105	90
Sec. 701, persons honorably discharged from United States armed forces following service in World War II	2,715	5,768	9,987	980
Sec. 702, persons serving in United States armed forces outside of the United States in World War II	5,666	2,054	5,370	.....
Act of July 2, 1940: Persons who entered the United States while under 16 years of age	418	401	436	316
Other	13	.....	.....	5

[1] Act of July 2, 1946.

Source: Immigration and Naturalization Service.

TABLE 12.—*Number of petitions for derivative certification, by year, and action taken on certificates, fiscal years 1941 to 1948*

Action concerning derivative certificates	1941	1942	1943	1944	1945	1946	1947	1948
Petitions filed	.....	26,007	30,122	20,959	19,640	18,484	20,573	19,733
Issued	3,102	10,235	35,083	36,843	25,187	19,559	19,360	17,113
Denied	.....	.....	.....	.....	1,711	691	.....	.....
Issued due to birth abroad of citizen parents	.....	.....	.....	[1] 33	2,023	2,392	2,991	2,934

[1] Authorization to issue such certificates contained in Public Law 221, approved Jan. 20, 1944.

Source: Immigration and Naturalization Service, annual reports.

TABLE 13.—*Number of persons naturalized who had attended citizenship classes or who had been enrolled in home-study courses, fiscal years 1946 to 1948 and June 1948 to May 1949*

Year ended June 30	Total	Attended citizenship classes	Enrolled in home-study courses
Total	88,421	78,770	9,651
1946	31,230	28,766	2,464
1947	19,610	18,009	1,601
1948	20,318	17,506	2,812
11 months—June 1948-May 1949	17,263	14,489	2,774

Source: Immigration and Naturalization Service, Research and Education Division.

TABLE 14.—*Applications completed under sec. 326 (d) of the Nationality Code* [1]

Year	Applications under 326 (d) completed	Year	Applications under 326 (d) completed
1943	366	1947	239
1944	238	1948	165
1945	444	1949	223
1946	170		

[1] No information available on how the applications were disposed.

TABLE 15.—*Expatriated persons, by grounds for expatriation, fiscal year 1948*

Grounds	Number of persons
Total	6,779
Naturalization in a foreign state	1,106
Taking oath of allegiance in a foreign state	536
Entering or serving in the armed forces of a foreign state	1,203
Accepting or performing duties under a foreign state	118
Voting in a foreign election or plebiscite	2,641
Formal renunciation abroad before a consular officer	552
Departing from or remaining outside the United States in time of war for purpose of evading or avoiding training and service	135
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Source: Immigration and Naturalization Service, Research and Education Division.

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